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Monarchy

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Morality  
Class 2 Philosophy

b. 6. 17.

# MONARCHY

ASSERTED,

To be the best, most Ancient and  
legall form of Government, in a  
conference had at Whitehall, with

## OLIVER

late Lord *Protector* & a Committee of

## PARLIAMENT:

Made good by the Arguments

*Oliver St. John*, Lord chief Justice.

Lord chief Justice *Glyn*.

Lord Comm. *Whitlock*.

Lord Comm. *Lisle*.

Lord Comm. *Fines*.

Lord *Breghall*.

Mr. of the Roles.

Sr. *Charles Wolseley*.

Sr. *Richard Onslow*.

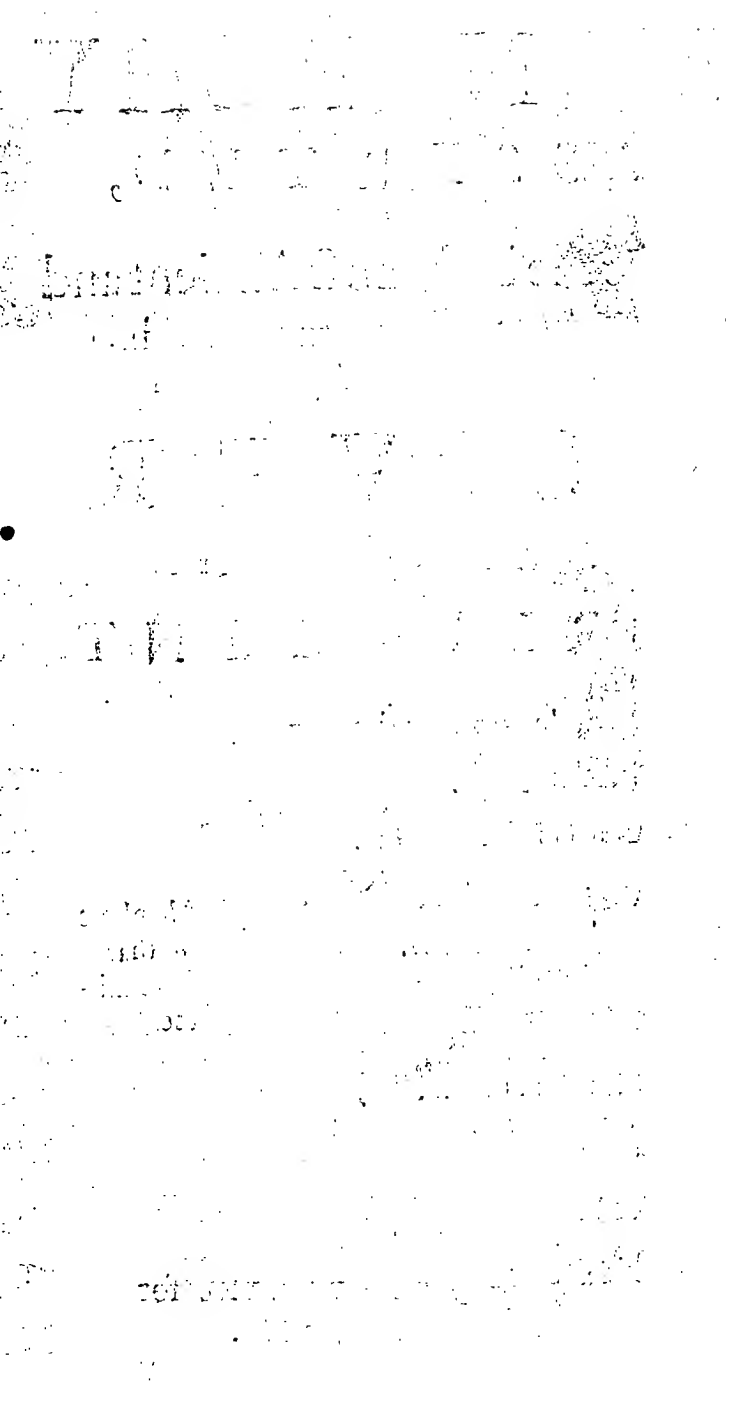
Colonel *Iones*.

Members  
of that  
Commit-  
tee.

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L O N D O N,

Printed by JOHN REDMAYNE for  
*Philip Cherwind*, 1660.





*To the Reader.*

**W**hen once the Sword  
had subdued the Sce-  
pter , and Policy  
( though covered  
with the vail of Piety ) had ad-  
vanced the Military above the  
Civil power : Thou canst not (if  
a Native) be ignorant, what were  
the sad effects of our Civil War.  
Magistracy and Ministry despi-  
sed, Law and Gospel slighted ,  
Propriety invaded, Parliaments  
garbled,

garbled, & made subservient to ambitious greatnesse. The Ancient Parliamentary Nobility kept out, and *Jack* and *Tom* made Lords of the other House. And though our grand Politicians, which sat at the Helme of State, framed for us many models of government, (such as best suited their severall Interests, and might secure their vast estates) yet none did *Quadrare*: Nor would the Military men be subject to any, except they might be free from all, but the Marti- all; and might for ever be a body distinct, and not subject to the Civil power. By this the people clearly fore saw that *Club* would

would be trump, let who would shuffle the Cards.

The Parliament therefore, out of love to themselves, and posterity, thought the Name and Title of King a fit Liewer to take down that exorbitant power, and knew, the government being once settled upon the old foundation, the law did limit the power of the Governour, and thereupon framed and presented the Protector with that Petition and advice, which the Debate upon the Bill for Kingship (brought into the House by Alderman *Pack*) had produced. The Protector seemed very scrupulous to accept the  
Name

(7)  
Name and Title, though he in-  
joyed the place and power; be-  
cause *Lambert* and some leading  
Officers would not consent.  
Therefore was a Committee of  
the House ordered to attend  
his Highness, and to receive  
his doubts and scruples, and of-  
fer reasons for his Highness's satis-  
faction in the maintenance of the  
Parliament's Resolutions: upon  
this occasion was the Confe-  
rence, and the learned Speeches  
there made, are here presented  
thy view, with the *Protector's*  
answers.

By a Lover of his King  
and Country.



*Thursday the ninth of April 1657.*

**O**Rdered by the Parliament, that a Committee be appointed to wait upon his Highnesse the Lord Protector, in reference to what his Highnesse did yesterday propose in his Speech, now reported to the House.

*Resolved*, That this Committee have power to receive from his Highnesse his doubts and scruples, touching any of the particulars contained in the humble Petition and Advice formerly presented; and in answer thereunto, to offer to his Highnesse reasons for his satisfaction, and for the maintenance of the Resolutions of this House; and such particulars as they cannot satisfie his Highnesse in, that they report the same to the Parliament.

*The names of the Committee.*

Lord *Whitlock*.  
 Lord *Broughil*.  
 Master of the *Rolls*.  
 Lord Commissioner *Lisle*.  
 Mr. *Waller*.  
 Lord *Chief Justice*.  
 Sr. *Charles VVoolseley*.  
 Gen. *Montague*.  
 Col. *Jepson*.  
 Sr. *Thomas Jones*.

Sr. *William Strickland*.  
 Col. *Thistlethwait*.  
 Lord Commissioner *Fines*.  
 Sr. *Rich. Onslow*.  
 Sr. *Rich. Lucy*.  
 Mr. *Secretary*.  
 Attourney of the *Dutchy*.  
 Attourney General.  
 Mr. *Godfrey*.  
 Lord *Howard*.



Col. Jones.  
 Col. Carter.  
 Col. Whitgrave.  
 Col. Brooks.  
 Mr. Lee.  
 Mr. Jenkinson.  
 Mr. Bamfield.  
 Mr. Drake.  
 Col. Ingoldsby.  
 Mr. Pitts.  
 Mr. Pickering.  
 Lord Cockram.  
 Mr. Grove.  
 Mr. Lloyd.  
 Mr. Nathan. Bacon.  
 Mr. Ingoldsby.  
 Lord Trevelyan of Edenb.  
 Mr. Bedford.  
 Col. Ireland.  
 Col. Hacker.  
 Major Wagstaffe.  
 Mr. Fran. Bacon.  
 Mr. Downing.  
 Mr. Price.  
 Maj. Gen. Waley.  
 Sr. John Reynolds.  
 Mr. Steward.  
 Sr. Christ. Pack.  
 Mr. Lawrence.  
 Alderm. Foot.  
 Capt. Lilburn.  
 Sr. William Roberts.  
 Mr. Trevor.  
 Mr. Baron Parker.  
 Mr. Tigh.

Sr. Jo. Hobart.  
 Mr. Hambden.  
 Mr. Cromwell.  
 Mr. Throsmorton.  
 Mr. Fleetwood.  
 Mr. Philips.  
 Maj. Gen. Goffe.  
 Mr. Fowell.  
 Major Audley.  
 Col. Wilton.  
 Major Morgan.  
 Col. Wood.  
 Maj. Gen. Berry.  
 Lord Strickland.  
 Lord Clypsole.  
 Mr. Barkley.  
 Major Euton.  
 Mr. Dunch.  
 Col. Mackerham.  
 Major Aston.  
 Maj. Gen. Bridges.  
 Sr. Tho. Touse.  
 Mr. Bond.  
 Col. Fowkes.  
 Col. Pridges.  
 Mr. Moody.  
 Col. Grovesnor.  
 Mr. Gorges.  
 Earle of Tivedale.  
 Sr. John Weefnes.  
 Dr. Douglas.  
 Maj. Beake.  
 Mr. Briscoe.  
 Capt. Stone.  
 Mr. Lucy.

(3)

Col. *Harvey.*  
St. *Lislebon Long.*  
Mr. *Thelwall.*  
St. *Edward Roads.*  
St. *Francis Norris.*

Col. *Sydenham.*  
Mr. *Rouse.*  
Mr. *Tromball.*  
Mr. *Barton.*

*To meet forthwith in the Speakers Chamber.*

*Resolved,* That this Committee have power to appoint some of their number to attend his Highness, to desire him to appoint a time when they may wait upon him according to thole Votes.

*Hen. Scobel* Clerk of the Parliament.

*The Lord Whitlock* 11. April.

**I** Onely understand, that by Order of the Parliament, this Committee are tyed up to receive what your Highness shall be pleased to offer, as to your doubts or scruples upon this paper: the very words of the Order are, *That the Committee have power to attend your Highness, to receive from your Highness your doubts and scruples, touching any the particulars contained in the humble Petition and Advice, formerly presented; and in answer thereunto, to offer to your Highness reasons for your satisfaction, and for the maintenance of the Resolutions of the House; & such particulars as we cannot satisfy your Highness in, that we may report the same to the Parliament what particulars your Highness shall think fit to object.*

Your Highness is pleased to mention the Government, as it now is, and seems to some of our apprehensions, as if your Highness did make that an objection: *if the Government be well, why do you change it?* if that be intended by your Highness as an objection in the ge-

nerall, I suppose the Committee will give you satisfaction.

*Lord Protector.*

**S**R. I think that neither you nor I, but meet with a very good heart, to come to some issue of this great businesse; and truly that is, that I cannot assure you, I have all the reason and argument in the world to move me to it, and am exceeding ready to be ordered by you in the way of proceeding, onely I confesse according to those thoughts I have, as I have answered my own thoughts in preparing for such a work as this is: I have made this motion of it to my self; That having met you twice, at the Committee first, and returned you that answer that I gave you then; and the House a second time: I doe perceive that the favour and the indulgence that the House shewes me in this is, that I might receive satisfaction, I know they might have been positive in the thing, and said they had done enough; if they had onely made such an addresse to me; they might have insisted upon it, onely to offer it, yet I could plainly see, it was my satisfaction they aimed at; I think really and sincerely, it is my satisfaction that they intend, and truly I think there is one clause in the Paper, that doth a little warrant that, *to offer such reasons for his satisfaction, and for the maintenance of the Resolutions of the House.*

Now Sir it's true, the occasion of all this, is the answer that I made, that occasions a Committee to come hither, in order to my satisfaction; and truly Sir I doubt (if you will draw out those reasons from me, I will offer them to you, but I doubt on my own part) if you should proceed that way, it would put me a little out of the method of my own thoughts, and it being mutual satisfaction that is endeavoured, if you will do me the favour, it will more agree with my method; I shall take it as a favour, if it please you, I will leave you to consider together your own thoughts of it.

*Lord*

*Lord Whitlock.*

**T**He Committee that are commanded by the Parliament, and are here present to wait upon your Highness, I doe suppose cannot undertake to give the Reasons of the Parliament, for that they have done; but any Gentleman here can give his own particular apprehension for your Highness satisfaction; and if you will be pleased to go in the way which you have propounded, and either in general or in particular, to require a satisfaction from the Committee, I suppose we shall be ready to doe the best we can to give you satisfaction.

*Lord Protector.*

**I** Think if this be so, then I suppose nothing can be said by you, but what the Parliament hath dictated to you, and I think that is clearly exprest, that the Parliament intends satisfaction; then is it as clear, that there must be Reasons and Arguments, that have light and conviction in them, in order to satisfaction.

I speak for my selfe in this, I hope you will think it no otherwise: I say it doth appear so to me, that you have the liberty of your own reasons; I think if I should write any of them, I cannot call this the reason of the Parliament. The Parliament in determinations and conclusions, by Votes of the severall particulare of the Government, that Reason is dilated and diffused, and every man hath a share of it; and therefore when they have determined such a thing, certainly it was reason that led them up into it; and if you shall be pleased to make me partaker of some of that Reason, I doe very respectfully represent to you, that I have a general dissatisfaction at the thing, and I doe desire that I may be informed in the grounds that lead you, whom I presume are all satisfied persons to the thing, and every part of it; and if you will be pleased to think so fit, I will not farther urge it upon you: To proceed that way,

it will be a favour to me, otherwise I shall deal plainly with you : it doth put me out of the method of my own conceptions, and then I shall beg that I may have an hours deliberation, that we might meet again in the afternoon.

*Lord Chief Justice.*

**T**He Parliament sent us to wait upon your Highnesse, to give your Highnesse any satisfaction that is in our understandings to give : the whole paper consists of many heads, and if your Highnesse intend satisfaction, the Propositions being generall, we can give but generall satisfaction, and therein we are ready, if that be your Highnesse meaning : I think we shall be ready to give satisfaction as far as our understandings.

*Lord Protector.*

**I**F you will please to give me leave, I do agree, truly the thing is a generall, as it is either falling under the notion of settlement : that's a generall that consists of many particulars ; and truly if you call it by that that it is Titled, there it is generall, it is advice, desires and advice, and that (the truth is) that I have made my objection in, is but to one thing as yet, onely the last time I had the honour to meet the Parliament, I did offer to them, that they would put me into a condition to receive satisfaction to the particulars : no question I might easily offer something particular for debate, if I thought that, that would answer the end, for truly I know my end and yours is the same, that is, to bring things to an issue one way or other, that we may know where we are, that we may attain that generall end, that is, settlement ; the end is in us both, and I durst contend with any one person

in the world, that it is no more in his heart, than in mine. I could goe to some particulars to ask a question, or ask a reason of the Alteration, which would well enough let you into the businesse, (that it might) yet I say it doth not answer me: I confesse I did not so strictly examine that order of reference, or whether I read it or no I cannot tell you; if you will have it that way, I shall (as well as I can) make such an objection as may occasion some answer to it, though perhaps I shall object weak enough, I shall very freely submit to you.

*Lord Chief Justice.*

**T**He Parliament hath commanded us for that end, to give your Highnesse satisfaction.

*Lord Commissioner Fines.*

**M**ay it please your Highnesse, looking upon the Order, I find that we are impowered to offer any reasons that we think fit, either for the satisfaction of your Highnesse, or maintenance of what the Parliament hath given you their advice in; and I think we are rather to offer to your Highnesse the Reasons of the Parliament, if your Highnesse dissatisfaction be to the alteration of Government in general, or in particular.

*Lord Protector.*

**I** Am very ready to say I have no dissatisfaction; that it hath pleased the Parliament to find out a way (though it be of alteration) to bring these Nations into a good settlement; and perhaps you may have judged the settlement we were in, was not so much for the great end of Government, the Liberty and good of

the Nations; and the preservation of all those honest interests that have been engaged in this cause; I say I have no exception to the generall; that the Parliament hath thought fit to take consideration of a new settlement; or Government; but you having done it as you have, and made me so farre interested in, as to make such an overture to me; I shall be very glad, if you so please to let me know it, that besides the pleasure of the Parliament may be somewhat of the Reason of the Parliament, for interesting me in this thing; and for making the alteration such as it is: truly I think I shall as to the other particulars swallow this; I shall be very ready to assign particular objections to clear that to you, that may be either the better to clear, or to help me at least to a clearer understanding of the thing for better good, for that I know is in your hearts as well as mine: though I cannot presume that I have any thing to offer to you, that may convince you: but if you will take in good part, I shall offer somewhat to every particular: if you please, as to the first of the thing, I am clear as to the ground of the thing, being 'o' put to me, as it hath been put: I think that some of the grounds upon which it is done will very well lead into such objections or doubts as I may offer, and will be a very great help to me in it and if you will have me this, or that, or the other doubt that may arise methodically, I shall do it.

*Lord Whistock.*

**I** Am very much assured, that all this company is come with the same affection and faithfull respect to the publick settlement; as your Highnesse hath pleased to expresse. For my part, I doe with a great deal of cleannesse and faithfulnessse, and in my particular

lar apprehension, I conceive that the method that your Highness mentioned to proceed in, we may answer, and if any Gentleman be of another opinion, he will be pleased to correct me in it.

The Parliament taking consideration of the present Government, and the instrument that doth establish it, seemeth to my apprehension to be of opinion, that it was very fit there should be some course taken for a Settlement in the Government of the Nation by the Supream Legislative Power; your Highness and the Parliament concurring together in it, they found the instrument of Government in the Original and Foundation of it, to require this Settlement by the Supream Legislative Power, in regard of the Original of the other which they did, as I apprehended by some Gentlemens debates upon it, might be an occasion of some doubts, and of lesse stability if it were left to continue upon the same foundation

That it will not be so clear a Settlement and foundation for the preservation of the Rights and Liberties of the Nation, as if we came to a Settlement by the Supream Legislative power, upon that ground it was taken into consideration, and a Settlement brought to effect upon very solemn full and candid debates among themselves in Parliament.

Their intentions I suppose were onely these, *To provide for the safety and peace of the Nations hereafter. to provide for the Rights and Liberties, both Spirituall and Civill of the people of these Nations*, and in order to make the best provision they could, for these great concernments of the people, the Petition and Advice which they have humbly presented to your Highness was brought to a determination by them.

For



For that particular which your Highnesse did formerly intimate, when the Parliament did attend upon you, the Committee of the Parliament, and which you are now pleased to intimate. Concerning the Title, I doe humbly apprehend the grounds of that to be these;

The foundation of that Title of *Protector* being not known by the Law, being a new Title, it was thought, that the Title which is known by the Law of *England* for many ages, many hundred of yeares together received, and the Law fitted to it, and that to the Law, that it might be of more certainty and clear establishment, and more conformable to the Lawes of the Nation; that that Title should be that of *King*, rather than that other of *Protector*. There is very much as to the essence of the businesse, as some Gentlemen did apprehend; that the Title should be a known Title, that hath been in all these times and ages received, and every particular person hath occasion of knowing of it, and of his Rights applyed to it: and likewise of the generall Rights of the people and their Liberties, have an application to that name, which application cannot be so clear and so certain to a new Title, the Title of *Protector*. (Some Gentlemen I heard reason it) that the Title of *Protector* is onely upon the Originall and foundation as it now stands; but the Title of *King*, besides the constitutions by which it shall be made, will likewise have a foundation upon the old and known Lawes of the Nation; so that there will be both the present constitution, and likewise the ancient foundation of the Lawes of *England* to be the *Basis* of the Title of *King*: What changes of this nature may bring of inconvenience with them, can hardly in every particular be foreseen; but it is imagined, that many will be, that possibly we may not be able beforehand to comprehend; but there seems to be more of certainty and stability, and  
of

of the supream Authority, civil Sanction upon that Title, then upon the other: This I humbly apprehend to be one reason concerning both the establishment of the whole; and as to that particular, which I think is the first part of it your Highnesse seemed to intimate.

*Master of the Rolls.*

**M**AY it please your Highnesse, I am very glad that there is such a latitude as we may shew our selves here, as I know the Parliament intends to give your Highnesse all satisfaction as may be, and truly I say upon the first head, which your Highnesse is pleased to call a *Title*, as if it were a bare *Title*, which I must humbly crave pardon if I doe not think, nor the House did not think, but it carries more in it of weight then a meer *Title*; for upon due consideration you shall find that the whole body of the Law is carried upon this Wheel, it is not a thing that stands on the top meerly, but runs through the whole life and veins of the Law; you cannot almost make any thing or doe any thing, look upon all our Lawes ever since we had Lawes, look upon all the constitution, still there is such an interest, not of the *Title*, but of the name *King*, besides the *Title*, (that's not the thing) for the *Title* you may rather eye it to the person then the thing, but the word *King* doth signifie the person. Now Sir we doe see in all the wayes of our proceedings, in the maintaining of the Rights, Properties and Interests of the people, and of the prerogative of the chief Magistrate, that the very Office carries on the businessse and not the *Title*, and yet it must be such a *Title* too, as implies the Office, and makes the Office suitable to the Law; it's the Office that doth dignifie the person, not the person the Office: I shall crave your Highnesse pardon if I speak any thing amisse; we see that the very  
Office

office that carries on, and not the person, yet that Office must have a suitableness. I have observed all along that we have had many debates that have arisen in this Nation about the thing; but the ground and reason why they have adhered to this Title, was for the maintenance of their Liberties; Not for the change of the office. I must confesse, I do not see that the other Title will doe the same thing, that other Title hath no further latitude, nor extent, but the very instrument, it goes no further, for the very instrument is the foundation of it, we can find no further instrument original, we have had those names heretofore, but never grounded upon the thing itself, but grounded upon the Office of a King they had no office, or duty to perform, but what was under the office and duty of a King, it's very true, it is not so now certainly, for you have now a Title upon that foundation that is your instrument, and it can reach no further: it is a Title that I cannot see I must confesse, but that we have a good Magistrate, and good Officers; but it may extend whither it will, it hath no limit at all but the chief Magistrate, if he should prove otherwise, you have no limit by it by any rule of Law that I understand, if you please give me leave to tell you, the very instrument does give a foundation to the Title of *Protector*, I am sure to crosse if he please, the most fundamental points that the Law hath. There was a time when a Prince of this Nation ( a very late time too ) would change this name, and it was a very slender change: For it was but from the King of *England*, to the King of *Great Britain*, and this was presented to the Parliament, it had a debate of many dayes, and it was resolved there and settled, that they could not change, there was so much hazard in that change, they knew not but that all their rights and liberties might be thereby altered, and when the King saw he could not obtain it of the House, he declared by

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Proclamation, that he never intended to take any name upon him, that should put a doubt to the liberties, and privileges of Parliament, and caused this Proclamation to be put among the Statutes, I may say it indeed very cunningly to be Printed, and put among the Statutes ( though indeed it was none ) and because there was a danger, he laid it down willingly, onely ( saies he ) your Divines in the Pulpits shall pray for me by the Title, ( *King of Great Britain* ) and Ambassadors shall make their addresse by that name, but your Lawes I will not take the name. In the Parliament there was a question, whether we should not alter the name of Parliament, and call it *the Representative of the people*, but the whole House went upon this ground, that by changing the name of Parliament, to a Representative, we did not know how it might change the very course, ground and reason of Parliaments: there is a great deal of thing in the very name: I remember, a very Honourable person now with God, was then very earnest for it, for having this name changed, and he did shew many reasons for it, but hearing the debates and reasons against it, he sat down and was satisfied, I think I may name him, it was my Lord *Ireton* who did say he was satisfied, it was not fit to be done at that time. It is a Famous story in every mans mouth heretofore, when there was but a little intention to change the Law, it was a Generall resolution given by the Lords, *Nolumus leges Angliamutare*, It's doubted, yea conceived not possible to annex the Lawes and the Title of *Protector* together, this I must say we come now with an intention of a perfect settlement, such as may give safety to the Nation, to your person, to the people, for indeed Sir, they are very jealous of their laws and liberties, and have bin in all ages, and though it may not have an intention to do such a thing, yet if you have a doubt, it's better and more safe for the chief Magistrate, to keep that which hath no doubt then.

The

The Parliament laying their interest and their regard to you together, and giving you this advice, this is *vox populi*, for it is the voice of the three Nations in one Parliament. Upon publick interest the chief thing is the safety of the people; that safety, your will, your Judgement, nay, give me leave to tell you, your conscience is bound to it; for it is the principall end of Government and Governours: this is presented to you by three Nations, by the Parliament, although you may make your hesitations, yet such a thing of great weight and consequence: I know this, that I have said may seem to imply as if we should fall upon a point: By the Lawes I can say in all Generations, this is mine, and this is the Princes, and the Prince cannot do me wrong nor the Council do me wrong &c. Therefore I think you may safely, and I hope will agree to this particular, as we have presented it: I dare not say that your Highnesse (as it comes as advice from Parliament) ought to do so.

*The Lord Protector.*

I Cannot deny but the things that have been spoken, have been spoken with a great deal of weight, and it is not fit for me to ask of any of you, if you have a mind to speak farther of this; but if it had been so, their pleasure, truly then I think it would have put me in according to the method and way I have conceived to my selfe, to the more preparednesse, to have return'd some answer, and if it had not been to you a trouble: I am sure the businesse requires it from any man in the World, if he were in any case, much more from me, to make serious and true answers, I mean such as are not feigned in my own thoughts, but such wherein I expresse the truth and honestie of my heart; I mean that by true answers, I did hope, that when I had heard you so far  
as

as it is in your pleasure to speak to this head, I should have then ( taking some short notice as I did ) have been in a condition this afternoon, if it had not been a trouble to you, to have returned my answer upon a little advisement with my self; but seeing you have not thought it convenient to proceed this way, truly I think I may very well say, that I had need have a little thoughts of the thing to return an answer to it, lest your debate should end on my part, with a very vain discourse, and with lightnesse, which it is very like to do: I say therefore if you think to proceed farther to speak to these things, I should have made my own short animadversions on the whole this afternoon, and made some short reply; and this would have usherd me in, not onely to have given the best answer I could, but to have made my own objection.

*Lord Chief Justice.*

**S**ince it is your Highnesse pleasure, that it should be spoken now altogether, by those that have any thing to say: I think it will be the intent of the Committee and the Parliament, to give your Highnesse satisfaction in all particulars, both substance and circumstance: I confesse I waited for objections from your Highnesse, that being the principall scope of the Order: Truly my Lord, I stand up with no confidence, that I can adde any thing to what hath been said; but because it pleases your Highnesse to doe us the great favour, to put us to particulars, I think the question before you is but singly thus. I am already *Protector*, and I have that Office put to the Government, whereby we meet the Parliament now; we desire you to take upon you the Office of *Kings*, why do you so?

That which we are to speak here, is no other, but that which

which we can understand was the sense of the Parliament, in justification of what they have done: I shall not speak any thing of the Government it self, but to this particular, I think the office of a King is a lawfull office, and the Title too, approved of by the Word of God, that's plain. It is plain likewise, it is an Office that hath been exercised in this Nation from the time it hath been a Nation: and I think it is as true that there never was any quarrel with the Office, but the Maledministration, that I can remember, about the ill Government; oftentimes Kings have been blamed, and very justly for their ill Government, but we doe not read that there was any challenge by the Parliament, that this Government we desire to be discharged of: if that be true, it is to me a strange ground, having past the scrutiny of so many Parliaments, where they did debate *de Re*; that in all these debates they did not charge it upon the Nation that the place is a burthen in it's own nature, and this too; when the Parliaments have had opportunity to have changed the Government. The name of *KING* is a name known by the Law, and the Parliament doth desire that your Highnesse would assume that Title; these are the grounds why the Parliament make it their humble Advice and request to your Highnesse, that you would be pleased to assume that Title and I think there is something more in it: you are now Lord *Protector* of the Three Nations, by the instrument; and there is a clause of this Government that you should govern according to Law, and your Highnesse is sworn to that Government: the Parliament doth apprehend that it is almost impossible for your Highnesse to answer the expectation of the people to be governed by the Lawes, and yet you are so tied up, that neither they can rationally call for it, nor you conscientiously do it, and so there is neither Lord *Protector*, nor the people, upon a sure establish-

establishment, for there stands the case : A *King* hath run thorow so many ages in this Nation, and hath Governed the Nation by that Title and Stile that it is known to the law ; for the law of the Nation is no otherwise, then whar hath been a custome to be practised as is approved by the people to be good ; that the Law and nothing else, excepting Acts of Parliament ; and now they have been Governed by that Title, and by the Minister, and by that Office. If so be your Highness should doe any Act, and one should come and say, *My Lord Protector*, why are you sworne to Govern by the Law, and you do thus and thus, as you are *Lord Protector*, do I ? why, how am I bound to doe ? why, the *King* could not have done so, why, but I am not *King*, I am not bound to do as the *King*, I am *Lord Protector* ; shew me that the Law doth require me to do it as *Protector*, if I have not acted as *Protector* : shew me where the Law is, why you put any one to a stumble in that case : this is one thing that I humbly conceive did stick in the Parliament as to that particular. Another thing is this, you are *Protector*, which is a new office not known to the Law, and made out of doores : you are call'd upon, that you would be pleased to accept that Office of a *King* that is, by the whole people : It is the first Government that since these troubles hath been tendred by a generall and universall consent of the people. Another thing is this, if any should finde fault with them, and say why, how came you to make Governments in this case ? why, the answer is, we are a Parliament, and have your suffrage, you have ever trusted us with all your Votes & we will justify it ; but besides we have not done it neither, we have but settled it upon the old Foundations : Then the Kingship : however some may pretend, a Kings prerogative is so large, that we know it not, it is not bounded ; but the Parliament



are not of that opinion. The *Kings* prerogative is known by Law, he did expatiate it beyond the dutie; that's the evil of the man but in *Westminster-Hall*: The *Kings* prerogative was under the Courts of Justice and is bounded as well as any Acre of Land or any thing a man hath, as much as any controversie between partie and partie: And therefore the Office being lawfull in its nature, known to the Nation, certain in it self, and confined and regulated by the Law, and the other Office being not so, that was a great ground of the reason, why the Parliament did so much insist upon this Office and Title not as circumstantiall, but as essentiall; yea, it is the head from whence all the Nerves & Sinews of the Government do proceed, as was well said by the Master of the Rolls: If we put a new head, its a question whether those Nerves and Sinews will grow, and be nourished and strengthened with that head. I had something in my thoughts which I had forgot; something of an objection. Why are you so pertinacious, or insist so much upon this Title? you may not applie all the Powers and Authorities unto the Office of *Protector*, and then you will give satisfaction: I must needs say, he that makes this objection, makes it but meerly but a Name. If any shall say, I am content the *Protector* shall have the Office but not the Name, I think this man is very strait laced; then he puts it meerly upon the word, and truly if there be no more in it, if there be nothing but that word, you have in the ballance with it, the desires of the Parliament; I beseech you do not break with your Parliament for a word. Another objection is, we have been under the *Protector*, and the Judges have taken their Office under that Government, and the Judges have taken their measure by the Authority of the *King*, and have taken it to be the same with that of *King* and so go on. I confesse that the Judges have gone very far that way,

and

and I may not speake my owne opinion of this case in this place, but yet it is very well known that there hath been variety of opinions, and judgements in this case, even from those that have been Judges of the Nation, and I do not take the people upon a very good establishment, when there shall be doubtings, in those that should be best knowing. I would never make a doubt that tends to the shaking of foundations, if I should avoid it. The taking of this office will avoid a doubt, the continuing of the other office may be more uncertain: I would never make a doubt where it may be dear: perhaps the taking of the other would reduce men to satisfaction; there is but a perhaps in the one, and a certainty in the other.

11. Of April, Sir *Charles Woolesey*.

Not only we that are here, but many honest hearts in *England*, rejoyce to see this day, wherein your Highnesse and the Parliament, are with so much nearnesse and affection, debating the settlement of the Nation; One reason why your Highnesse should take this title offered you by the Parliament, is because as you stand in relation to the old Government you are obliged to the law: yet have not the advantage of the law, which the chief Magistrate ought to have. The law knows not a *Protector*, and requires no obedience from the people to him. The Parliament desires to settle one so, that the people may know your duty to them, and they their duty to you. The Parliament finde the mindes of the people of these Nations much set upon this office and title: God hath by his Providence put a generall desire of it in the Nation, and they thinke in things not unlawfull they ought

to hearken, and to be much inclined by the desires of them that sent them, and in such things as are for their good, as this is ; to be much provoked thereby to the doing of them.

Truly Sir, it hath been much in the thoughts of the Parliament, that the reason why things of late have been so unsettled throughout in the Nations, hath been because, that to the body of this people, there hath not been a legall head: The well-being of the head, is not more necessary to the wholsome constitution of the body naturall, then a right head is necessarie to the body politicke. I may humbly tell your Highnesse, this Nation hath ever been a lover of *Monarchy*, and of *Monarchy* under the Title of a *King*: the name and Office hath for above a thousand years been in this Nation: though they have often changed their Princes, yet never the Name nor Office. 'Tis the great Common Law, that is the Custome of the Nation, approved good by many Ages, to have the Office and Name of a *King*: no new Law that makes any other, can have that validity, which the Custome of so many Ages hath. Sir, the Parliament doth judge the safety of your person much concerned to take this Title ; and 'tis not your self they look to (though their hearts are full of honour I may say it to your Highnesse as can be) but to you as chiefe Magistrate, representing the people, and being head of the Law, and all Magistracy ; the people hath a share and concernment in you: We see this hath been the great encouragements of these attempts against your person, that the Law did not take notice of you as chiefe Magistrate, and that Juries were generally backward to find any guilty for Treason, for attempting against you: the Parliament cannot think it fit. to have their chiefe Magistrate in such a condition. Your Highnesse hath been pleased to call your self (as when you speak

to the Parliament) a *servant*, you are so indeed to the people, and 'tis your greatest honour so to be. I hope then Sir, you will give the people leave to name their own servant, that is a due you cannot, you will not certainly denie them; Their Representatives desire you will serve the people under this title, and were there no other reason, therefore it is the best. I beseech your Highness consider, if you should refuse this *Title*, the Parliament presents you with, you do not onely denie your self the honour they put upon you, but you denie the Nation, you denie the people their honour, which by right they ought to have. 'Tis this honour and their just birthright, to have a Supreme Magistrate with the title of a King. I know Sir, though you can deny your self, yet you will not deny the Nation their due, when their Representative challenge it from you. The Parliament have highly engaged all the good people of this Nation, to make you who are one of them, (and have been in these troubles their head and leader) to be their King. And certainly Sir, whatever dissatisfaction may be in this case, it ought not to weigh, if there be any judge on Earth of the peoples good, 'tis the whole people represented together and what others say, it is but by individuals. Sir, the Parliament have hundreds, nay thousands upon their backs, the good people of the Nation, a quiet peaceable people, with you, and what the Parliament shall judge fit, is their duty, and no doubt they will submit: Sir, were there in this matter no other reason why you should accept this, I know this alone, which indeed is the greatest reason I can give, would sway you above any thing, that what is before you is the advice of your great Council the Parliament.

I Shal offer what I conceive from their debates to bee the reasons why they advise your Highness to this Title, and seeing what is in the fountain must be conveyed by such pipes, I shall cleere the state of the question : In the first place if I mistake not, is onely upon *name*, not upon any thing, not upon the office of a *King*, but upon the title of a *King*, for the question is, whether the same thing shall be signified by the office of a *King*, under the name of a *King* ; or by the office of a *King*, under the name of a *Protector*. Undoubtedly the office of a *King* may be more exercised under another name, then it may if the powers be not *Kingly*, though the name be there ; he that said he would not do his Masters will, and yet did it, did it more then he that said he would and yet did it not : he that hath all the powers and authorities of a *King*, is a *King* though he hath not the name. Either there must be a diversitie and for any thing that may difference it by the name it selfe : truly Sir, either this must be done, you must enumerate all the powers of *Protector*, or what is left enumerated must be the same thing as the law sayes is the duty of a *King*, and this I thinke the Judges have determined, this being the cleere state of the question, the difference will arise meerly upon a name, and the Parliament did not think it agreeable to their wisdom for them to look upon all the laws and all the cases, and make the name of *Protector* to suit them, or else leave it lawlesse and boundlesse, but what was not confined to the power of a *King*, was confined to the decision of the law. That being so, the Parliament thinks it is fit for them to doe as all wise men do, in making names, they give our names according to the nature of the thing, and either they must fit all the lawes to the name, and that is impossible, or leave the  
name

name unbounded and that's intollerable. All creatures were brought to *Adam* to give them names, he gave them according to their natures. And so the Parliament considers what the thing is that they were about to advise your Lordship to, the Parliament find this to be the same Government as was before and if they would have that why not their old name: if the thing why not the title. Truly it seems very reasonable that names should be proportioned to the thing; they have found divers reasons why the name should be *King*, because it is a thing clear to all the world that the people are more willingly obedient to old things and names then to new, and so far as old things can be retained without danger or inconvenience, it is the wisdom and duty of all Governours to retain them. I remember in the stories of our wars with the French: *E. 3.* had assistance from *Flanders*. One thing more of the name of the *Protector* be considered within my relation to the Laws of this Land: every one knows it does not relate to him that hath the chiefe Magistracy, but as he was Tutor or Gardian to another, thats all the legall Notion or use of the name *Protector* in this Land, and the holding this name doth hold forth a gap of apprehension and expectation, that there may be a change, these are in substance that which I can remember of the debates of the Parliament.

*Lord Com. Lisle.*

I Humbly conceive that in this title offered to your Highness by the Parliament, they do take the same care for your Highness, as *Jethro* took for *Moses*, they find the weight of the Government as it is now upon you under the title *Protector* is a burthen, that will wearie both your self and the people likewise, and therefore they do desire your Highness will be pleased to accept of that title that may be an ease to your Highnesse

and to the people, the greatest weight and burthen of Government, is when there is a jealousy betweene the Prince and the people for want of a right understanding, though neither Parliament nor people have a jealousy of your person; yet of the title they have, for want of a right understanding : But if your Highness will be pleased to accept of the title that is now offered, all jealousies will be done away, for they will then understand what you are, and truly Sir I think the jealousy will be higher now, then at first when the remonstrance was offered to you: For the title of *Protector* is either the same thing in power with the title of *King*, or it is something else. If it be something else then what the title of *King* is when it is confined, and that will raise their jealousy very much. If it be the same thing then there is nothing of difference, but a name, and they will think there is more then a name, if the Parliament do offer it to your Highness, and your Highness should wave it.

Sir the Parliament did think that your Highness was never able to provide to doe justice to the Nation for the present, nor that peace should be maintained in the Nation for the future, unlesse your Highness accept of this title. Nationall justice does consist in two things, that you doe right to the people with relation to their just rights in relation to the Parliament, That you doe right to the people in relation to their just rights according to the law of the Land. Sir, the Nations rights in Parliament can never be done to the people, unlesse the Parliament hath its ancient in relation to the Government: and they can never have their right in relation to the law, unlesse the lawes have their ancient right in relation to the Governours. Sir the reason why the Parliament doth now offer it, as I conceive is this, Sir, they did consider the case of *David*, it was the proper title to offer the title to *King David*, when the Elders of  
*Israel*

*Israel* and the people did Covenant with King *David* at *Hebron*. The remonstrance offered to your Highnes is the Covenant of the three Nations, both for spirituall and civill liberties. If there was a proper time to make *David* K. when they Covenated with him at *Hebron*: it is now a proper time for you to accept this title when the Parliament hath brought this with a Covenant for the three Nations, that relates both to their civill and spiritual liberties.

*Lord Broghil.*

Sir, I can adde so little to what hath been already spoken, that were it not in obedience to command, I should with much more satisfaction be silent then now speak but being under an obligation, I may not violate, I shall in obedience thereof presume to lay my poore thoughts before you, but first I shall take the boldnesse to say, I believe it is a think impossible for any to particularize every individuall reason, which invites a Parliament to passe any Vote; for the Parliament is a body consisting of many Members, and all of them relish those arguments and reasonings, which are most consonant to every mans apprehension. in which there is so great variety. that though when a Vote is past, we may conclude that Vote is the sense of the House, yet we cannot say that these, and none but these reasons produced that result: I onely mention this Sir, that whatever I shal speak may be considered by you, but as my poor apprehension; what in some degree might have contributed to move the Parliament to petition, and advise your Highnesse to assume the title and office of King: for it would be too high a presumption in any member, especially in me above any, to dare averre that what I should now say, did only invite the Parliament to give your High-



Highness that Counsell, having thus humbly premised what I held my self obliged unto in dutie, I shall now proceed to acquaint you what in my weak judgement did in some measure move the Parliament to doe what they have done.

*First*, I humbly conceive, that the title of *King* is that which the law takes notice of, as the title of supreme Magistrate, and no other, and that the old foundations that are good, are better then any new ones, though equally good in their own nature; what is confirmed by time and experience carries along with it the best trial, and the most satisfactory stamp and authority.

*Secondly*, it was considered too, that it was much better that the Supreme Magistrate should be fitted to the lawes that are in being, then that those lawes should be fitted unto him.

*Thirdly*, the people legally assembled in Parliament having considered of what title was best for the supreme Magistrate, did after a solemn debate thereof pitch upon that of *King*, it being that by which the people knew their dutie to him, and he the dutie of his Office towards them, and both by old and known lawes.

*Fourthly*, there is hardly any who own Government at all in these Nations, but think themselves obliged to obey the old old lawes, or those which your Highness and the Parliament shall enact. So that if the supreme Magistrate of these three Nations be entituled *King*, all those who reverence the old lawes, will obediently and chearfully accept of him, as that which is settled, upon the establishment they own, and all that own this present authoritie will doe the like, because grafted by it, by which none can rest unsatisfied that think it a duty to obey former authorities or the present.

*Fifthly*, the former authorities know no supreme Magistrate, but by the title of *King*, & this present authority de-

desires to know him by no other, which if refused, might it not too much highten our enemies, who may bouldster up their faint hopes, with saying to one another, and to those which assist them, that their chief is not only under that title which all past Parliaments have approved, but under that title which even this Parliament does approve likewise, and that your head is not known by the former laws, and has refused to be known by that application which even the Parliament, that he himself hath called doth desire to know him by.

*Sixthly*, By your Highness bearing the title of *King*, all those that obey and serve you, are secured by a law made long before any of our differences had a being in the 11. *Hen. 7.* where a full provision is made for the safety of those that shall serve whoever is *King*: 'tis by that law that hitherto our enemies have pleaded indemnity, and by your assuming what is now desired, that law which hitherto they pretended: for their disobedience tries them even by their own profession, and principles to obedience, and I hope taking off all pretences from so numerous a party may not be a thing unworthy of consideration; that the law seems verie rational, for it doth not provide for any particular familie or person, but for the peace and safety of the people by obeying whoever is in that office and bears that title. The end of all government is to give the people justice, and safety, & the best means to obtain that end is to settle a supreme Magistrate; it would therefore seem very irrational, that the people having obtained the end, should decline that end onely to follow the means, which is but conducing to that end; so that if the title & office of *King*, be vested in your Highness, & that thereby the people enjoy their rights, and peace, it would be little less then madness, for any of them to cast off those blessings, onely in order to obtain the same end under another person.

*Seventhly*.

Seventhly, there is at present but a divorce between the pretending King and Imperiall Crown of these Nations, and we know that persons divorc't may marry again, but if the person be married to another, it cuts off all hope. These may be some of those reasons, which invited the Parliament to make that desire, and give that advice to your Highnesse of assuming the Title of King. There is another, and a very strong one, which is, that now they have actually given you that advice; and the advices of the Parliaments, are things which alwaies ought, and therefore I am confident will carry with them very great force and authority: now doth this advice come singly, but accompanied with many other excellent things, in reference to our civil and spiritual Liberties, which your Highnesse hath born a just and signall testimony to. It is also a Parliament, who have given unquestionable proofs of their affection to your Highnesse: and who, if listned to in this particular, will be thereby encouraged to give you more.

*Lord Protector.*

I have very little to say to you at this time, I confesse I shall never be willing to deny, or defer those things that come from the Parliament, to the Supreme Magistrate, if they come in the bare and naked authority of such an assembly as known by that name, and are really the representation of so many people as a Parliament of *England, Scotland, and Ireland* is: I say it ought to have its weight, and it hath so, and ever will have with me. In all things a man is free in to answer desires, as coming from Parliaments: I may say that, but in as much as the Parliament hath been pleased to condescend to me so far, to do me this honor, a very great one added to the rest, to give me the advantage of so many members of theirs, so able, so understanding the grounds of things; It is I say, a very singular honour and favour to me;

me ; and I confesse, I wish I may, and I hope I shall doe that becomes an honest man to doe, in giving an answer to these things, according to the desire, that either I have, or God shall give me, or I may be helped by reasoning with you into ; and I did not indeed in vain alledge Conscience to the first answer I gave, but I must say, I must be a very unworthy person, to receive such favour, if I should prevaricate, when I said things did stick upon my Conscience, which I must still say they doe ; onely I must say, I am in the best way that I can be for information, I shall gladly receive it. Here hath been divers things spoken by you to day, with a great deal of judgement, and abilitie, and knowledge ; and I think the things, or the arguments, or reasonings that have been used, have been upon these three accompts : to speak to the thing simply, or in the abstract notion of the Title, and the positive reasons upon which it stands, and then comparatively, both in the thing, and in the foundation of it, which, what it is to shew the goodnesse of it comparatively. It is alledged to be so much better then what is, and that is so much short of doing the work that this will doe : and thirdly some things have been said by way of precaution, upon arguments that are little from the thing, in the nature of it, but are considerations from the temper of the people of the Nation, what will gratifie them ; which is surely considerable, as also by way of anticipation of me in my answer, by speaking to some objections that others have made against this thing : These are things in themselves each of them considerable, to answer to objections ; I know it is a very weighty thing, and to make objections is very easie, and that will fall to my part, and I am sure I shall if I make them to men that know so well how to answer them, because they have in part received them from others, upon the debates already had ; but  
upon

upon the whole matter, I having as well as I could taken these things that have been spoken, which truly are to be acknowledged by mee to be very learnedly spoken. I hope therefore you will give me a little time to consider of them, when it may be your best time for me to return to you, to meet you again, I shall leave that to your consideration.

*Lord Whitelock.*

Your Highness will be pleased to appoint your own time.

*Lord Protector.*

On Mondy at 9. of the clock, I will be ready to wait upon you.

*His Highness answer at the conference at the Committee at Whitehall April. 13. 1657.*

*My Lord,*

I Think I have a very hard task upon my head, though it be but to give an accompt of my selfe, yet I see I am beset on all hands here, I say but to give an accompt of my selfe, but it is in a business that is very comprehensive of others in some sence to us, and as the Parliament have been pleased to make it, all the interests of these three Nations.

I confesse, I consider two things: first to return some very answer to the things that were so ably, and well said the other day, on behalfe of the Parliaments putting that *Title* in the instrument of settlement, I hope it will not be expected that I should answer to every thing that was then said, because I suppose the maine things that were spoken were arguments from ancient constitutions, and settlement by the laws, of which I am sure I could never be well skild, and therefore must ask the more pardon in what I have transgressed in my practice, or shall now transgresse through my ignorance of them in my answer to you.

Your

Your Arguments which I say were chiefly upon the law, seems to carry with them a great deal of necessarie conclusion, to inforce that one thing of *Kingship*; and if your argument come upon me to inforce upon the ground of necessity, why then I have no room to answer, for what must be, must be, and therefore I did reckon it much of my businesse to consider whether there were such a necessity, or would arise such a necessity from those arguments.

It was said that *Kingship* is not a title but an office, so interwoven with the Fundamental laws of this Nation, as if they could not, or well could not be executed, and exercised without, partly (if I may say so) upon a supposed ignorance of the Law, that it hath of any other title, it knowes no other, neither doth any other know it, the reciprocation is said this *title*, or *name*, or *office*, as you please to say is understood in the dementions of it, in the power and prerogatives of it, which are by the law made certain, and the law can tell when it keeps within compasse, and when it exceeds it limits, and the law knowing this, the people can know it also, and people do love what they know, and it will neither be *pro salute populi*, nor for our safetie to obtrude upon them names, that they do not, nor cannot understand.

It is said also, that the people have been alwaies by their Representatives in Parliament, willing to vary names for as much as hath been said before they love settlement. And there were two good instances given of that, the one in K. *James* his time about his desire to alter somewhat of the title, & another in the long Parliament, wherein they being otherwise rationally moved to admit of the word Representative instead of Parliament, they refused it for the same reason. It hath been said also, that the holding to this word doth strengthen the settle-

settlement, because it doth not any thing *de novo*, but resolves things in their old currant : It is said, it is the securitie of the chief Magistrate, and that it secures all that act under him, truly these are the principall of those grounds that were offered the last day, so far as I do recollect. I cannot take upon me to refel those grounds for they are so strong and rationall, but if I shall be able to make any answer to them, I must not grant that they are necessarily concluding; but take them onely as arguments, that they have perhaps much of conveniency, and probability towards concluding; for if a remedy or expedient may be found that they are not necessary, they are not inevitable grounds, and if not necessary, and concluding, why then they will hang upon the reason of expediency, or conveniencie, and if so, I shall have a little libertie, otherwise I am concluded before I speak, and therefore it will behoove me to say what I have, why they are not necessary conclusions, not that they are, nor that it is (I should say) so interwoven in the laws, but that the laws may not possibly be executed to equal justice, and equal satisfaction of the people, and equally to answer all objections as well without it, as with it, and then when I have donethat, I shall only take the liberty to say a word or two for my own grounds, and when I have said what I can say as to that, I hope you will thinke a great deale more then I say.

Truely though Kingship be not a title but a name of office that runs thorough the law, yet it is not *for ratione nominis*, but from what is signified, it is a name of office plainly implying a Supreme Authoritie. is it more, or can it be stretcht to more ? I say it is a name of office plainly implying the Supreme Authority, and if it be so, why then I would suppose, (I am not peremptory in any thing that is matter of deduction or inference

ference of my own.) Why then I should suppose that whatsoever name hath been or shall be the Name, in which the Supreme Authoritie shall Act, why, (I say) if it had been those 4 or 5 letters; or whatsoever, or whatsoever else it had been, that signification goes to the thing, certainly it does, and not to the name, why then there can be no more said, but this, why this hath been fixt, so it may have been unfixt, and certainly in the right of the Authority, I mean as a Legislative power, in the right of the legislative power. I think the Authority that could Christen it with such a name, could have called it by another name, and therefore it was but derived from *that*. And certainly they had the disposal of it and might have had it, they might have detracted, or changed; And I hope it will be no offence to you, to say (as the case now stands) so may you; and if it be so that you may, why then I say, there is nothing of necessity in your Argument, but consideration of expedience of it, I had rather (if I were to chuse) if it were the naturall question, which I hope is altogether out of the question. But I had rather have any Name from this Parliament then any Name without it, so much doe I value the Authoritie of the Parliament, and I believe all men are of my mind, in that I believe the Nation is very much of my mind, though that be an uncertain way of arguing what minde they are of. I think we may say it without offence (for I would give none) though the Parliament be the truest way to know what the mind of the Nation is, yet if the Parliament will be pleased to give me a liberty to reason for my self, & that that be made one Argument, I hope I may urge against that, else I can freely give a reason of my own mind, but I say undoubringly (let us think what we will) what the Parliament settles in that, which will run through the law, and will lead the thread of Government through

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 think no man will pretend right against it, or wrong;  
 and (if so) then under favour to me, I think all those ar-  
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 conveniency; it is in your power to dispose and settle,  
 and before we can have confidence that what you doe  
 settle, will be as authentick as those things that were  
 before, (especially as to the individuall thing) the name  
 or title upon Parliamentary account, upon Parliamen-  
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 been said, otherwise I say my mouth is stopt: there are  
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 pose it will stand upon a way of expedience and fittest;  
 truly I should have urged one consideration more that  
 I had forgotten, and that is not only to urge the things  
 for reason, but for experience, perhaps it is a short one,  
 but it is a true one, (under favour) and is known to you  
 all in the fact of it (under favour) although there hath  
 been no Parliamentary Declarations, that the supreme  
 Authoritie going in another name, and under another  
 title then King; why it hath been complied with twice  
 without it. That is under the *Custodes Libertates An-*  
*glie*, it hath since exercised the place, and truly I may  
 say that almost universall obedience hath been given  
 to all the ranks, and sorts of men to both, and to be-  
 gin with the highest degree of Magistracy at the first  
 alteration, and when that was the name, and though it  
 was

was the name of an invisible thing, yet the very name (though a new name) was obeyed, did passe for current, and was received, and did carry on the justice of the Nation. I remember verie well that my Lords the Judges were somewhat startled, and yet upon consideration, (if I mistake not) I beleieve so, there being of them without reflection, as able and as learned as have sat there (though they did *I* confesse at first demur a little) yet they did receive satisfaction, and did act as *I* said before: *I* profess it, for my owne part, *I* think *I* may say it since the beginning of that change, *I* would be loath to speak any thing vainly, but since the beginning of that change unto this day, *I* doe not think in so many years those that were called, (& worthily so accounted) Halcion daies of peace in 20. *Eliz.* and *K. James*, and *K. Charles* time: *I* do not think but that the lawes did proceed with as much freedome & justice, with les private solicitation either from that, that was called then so, or since *I* came to the Government; *I* do not think (under favour) that the lawes have had a more free exercise, more uninterrupted by any hand of power, the judge les solicited by letters or private interpositions either of my owne or other mens, in double so many yeares in all those times of peace, and if more of my Lords the Judges were here then now are they could tell what to say, to what had men done since, & therefore *I* say (under favour) these two experiences do manifestly shew, that it is not a *Title*, though so interwoven with the laws that makes the law to have it's free passage & doe its office without interruption, (as we think) but that if a Parliament shall determine that another name shall run through the laws, *I* beleieve it may run with as free a passage as this, which is all that *I* have to say upon that head.

And if this be so, then truly other things may fall  
D 2 under

under a more indifferent consideration, and then I shall arrive at some issue to answer for my selfe in this great matter, and all this while nothing that I shall say doth any way determine against my resolution, or thoughts against the Parliament, but reallie and honestlie, and plainlie, considering what is fit for me to answer. The Parliament desires to have this *Title*, it hath stuck with me, and yet doth stick, and truelie although I hinted the other day, that is thought that your arguments to mee did partlie give positive grounds for what was to be done, and comparative grounds, saying that which you were pleased to doe, and I gave no cause for that I know of, that is to compare the effects of Kingship with such a name as I for the present bear with Protectorship, I say I hope it will not be understood, that I doe contend for the name or anie name, or anie thing, but truelie and plainelie (if I speak as in the Lords presence) I in all things right as a person under the disposition of the providences of God, neither naming one thing nor other, but onlie answering to this *Name*, or *Title*; for I hope I doe not desire to give a rule to any bodie, because I have professed I have not been able, and I have said truelie I have not been able to give one to my selfe, but I would be understood in this, I am a man standing in the place I am in, which place I undertooke not so much out of the hope of doing any good, as out of a desire to prevent mischief and evill which I did see was eminent in the Nation. I say wee were running headlong into confusion, and disorder, and would necessarilie run into blood, and I was passive to those that desired me to undertake the place which now I have, I say not so much of doing good, which a man may lawfully, if hee deale deliberatelie with God and his own conscience, a man may, I say, lawfullie if he deal deliberatelie

rately with God and his own conscience, a man may lawfully as the case may be (though the case is very tickle) desire a great place to do good in. I professe I had not that apprehension when I undertook the place that I could doe much good, but I did thinke that I might prevent eminent evill, and therefore I am not contending for one name compared with another, and therefore have nothing to answer to any arguments, that were used in giving preference to Kingship or Protectorship, for I should almost thinke that any name were better then my name, and I should altogether thinke that any person fitter then I am, for any such business: and I complement not (God knows it) but this I should say, that I doe thinke from my very heart, that in your settling of the peace, and liberties of this Nation, which cries as loud upon you as ever Nation did: for somewhat that may beget a confidence: otherwise the Nation will fall to pieces, and in that as far as I can, I am ready to serve not as a King, but as a Constable; for trulie I have, as before God, thought it often, that I could not tell what my business was, nor what I was in the place I stood save comparing it with a good Constable, to keep the peace of the Parish, and truly this hath been my content & satisfaction in the troubles that I have undergone, that yet you have peace, why now trulie (if I may advise) I wish to God you may but be so happy as to keepe peace still if you cannot attain to these perfections, as to do this, I wish to God we may have peace, (that do I) but the fruits of righteousness are shown in meeknesse, (a better thing then we are aware of) I say therefore I do judge for my selfe, there is no such necessity of the thing, for the other names may do as well, I judge for my selfe, I must say a little I think I have somewhat of conscience to answer as to this matter, why I cannot undertake this name, why

truly I must needs go a little out of the way to come to my reasons, and you will be able to judge of them, when I have told you them, and I shal deal seriously, as before God: if you do not all of you, I am sure some of you do, and it behoves me to say, I know my calling from the first to this day : I was a person, that from my first employment was suddenly preferred and lifted up from lesser trusts to greater, from my first being a Captain of a Troop of Horse, and I did labour (as well as I could) to discharge my trust, & God blessed me as it pleased him, and I did truly and plainly, and then in a way of foolish simplicity (as it was judged by very great and wise men, and good men too) desired to make of my instruments to help me in this work ; and I will deal plainly with you, I had a very worthy friend then, and he was a very noble person, and I know his memory was very grateful to you all.

Mr *John Hamden* at my first going out into this Engagement (I saw) their men were beaten at every hand; I did indeed, & desired him that he would make some additions to my Lord *Essex's* Army, of some new Regiments; and I told him I would be serviceable to him, in bringing such men in, as I thought had a spirit that would doe something in the work: this is very true that I tell you, God knowes I lie not; your Troops said I, are most of them old decayed Servingmen and Tapsters, and such kind of Fellows; and said I, their Troops are Gentlemens Sonnes, younger Sonnes, and persons of quality, doe you thinke that the spirits of such base and meane fellows will bee ever able to encounter Gentlemen, that have Honour, and Courage, and Resolution in them: Truly, I presented him in this manner conscienciously, and truly I did tell him you must get men of a spirit, and take it not ill what I say (I know you will not) of a spirit that is like-

likely to goe on as far as Gentlemen will go, or else I am sure you will be beaten still; I told him so. I did truly. He was a wise and worthy person, and he did think that I talked a good Notion, but an impractisable one; truly I told him I could doe somewhat in it, I did so, and truly I must needs say that to you (impart it to what you please) I raised such men as had the fear of God before them, and made some Conscience of what they did, and from that day forward I must say to you, they were never beaten, and where ever they were engaged against the Enemy they beat continually; and truly this is matter of praise to God, and it hath some instruction in it to own men that are religious and godly, and so many of them as are peaceable, and honestly, and quietly disposed to live within Government, as will be subject to those Gospell Rules, of obeying Magistrates, and living under Authority; I reckon no godlinesse without this Circle: but without this spirit, let it pretend what it will, it is diabollicall, it is divelish, it is from diabolical spirits, from the height of *Jathans* wickednesse; why truly I need not say more then to apply it thus.

I will be bold to apply this to this purpose, because it is my ail, I could say as all the world sayes, and run headily upon any thing; I must tender this to you, as a thing that swaies with my Conscience, or else I were a *Knave* and a *Deceiver*, I tell you there are such men in this Nation, that godly men of the same spirit, men that will not be beaten down with a worldly nor carnall spirit, while they keep their integritie: I deal plainly and faithfully with you, that I cannot thinke that God would blesse in undertaking of any thing that will justly and with cause grieve them, that they will be troubled without cause; I must be a *Slave* if I should comply with any such humour, I say that are honest

men, and faithfull men, and true to the great things of the Government, to wit, the Libertie of the people, giving them that is due to them; and protecting this Interest, I think verily God will blesse you for it; but if that I know (as indeed I doe) that very generally good men doe not swallow this Title, (though really it is no part of their goodnesse) to be unwilling to submit to what a Parliament shall settle over them; yet I must say, that it is my dutie and my Conscience to beg of you, that there may be no hard things put upon me; things I mean hard to them, that they cannot swallow: If the Nation may as wel be provided for without these things that I have Printed to you, as according to my apprehension, it may, I think truly it will be no sin in you, it will be to you as it was to *David* in another case; no grief of heart to yours, that you have a tenderesse, even possibly, if it be their weaknesse, to the weaknesse of those that have integritie, and honestie and uprightness, and are not carried away with the hurries that I see some are, who think that their virtue lies in despising Authority, opposing it: I think you will be the better able to root out of this Nation that spirit and principle; and it is as desirable as any thing in this world, by complying, indulging and being patient to the weakness and infirmities of men that have been faithfull, and have bled all along in this cause, and are faithfull, and will oppose all oppositions; I am confident of it, to the things that are the fundamentals in your Government, in your settlement for civil and Gospel-Liberties.

I confesse. for it behoves me to deal plainly with you, I must confesse I would say, I hope I may be understood in this; for indeed I must be tender, what I say to such an audience as this is: I say I would be understood, that in this Argument I do not make parallel, between men of a different mind and a Parliament which shall have  
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their desires ; I know there is no comparilon, nor can it be urged upon me, that my words have the least colour that way, because the Parliament seems to give libertie to me to say any thing to you ; as that, that is a tender of my humble reasons, and judgement, and opinion to them ; and if I think they are such, and will be such to them, and are faithful servants, and will be so to the supreme Authoritie, & the Legislative wheresoever it is : if, I say, I should not tell you, knowing their minds to be so, I should not be faithfull, if I should not tell you so, to the end you may report it to the Parliament : I will say something for my self, for my own minde, I do professe it, I am not a man scrupulous about words, or names, or such things I have not ; but as I have the word of God, and I hope I shall ever have, for the rule of my Conscience, for my informations : so truly, men that have been led in dark paths, through the providence & dispensation of God ; why, surely it is not to be objected to a man, for who can love to walk in the dark, but providence doth often so dispose. And though a man may impute his own folly and blindness to providence sinfully, yet it must be at my perill : the case may be, that it is the providence of God that doth lead men in darkness, I must needs say, I have had a great deal of experience of providence, and though it is no rule without or against the word, yet it is a very good expositer of the word in many cases : Truly the prudence of God hath laid aside this *Title* providentially *de facto*, and this not by suddain humour or passion, but it hath been by issue of as great deliberation as ever was in a nation, it hath been the issue of 10 or 12 years civil war wherein much blood hath been shed : I will not dispute the justice of it, when it was done, nor need I now tell you what my opinion is in the case, were it *de novo* to be done, but if it be at all disputable, and that a man comes and finds that God

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in his severity hath not onely irradiated a whole family, and thrust them out of the land for reasons best known to himself, and hath made the issue and close of that to be the very irradiation of a *name* or *title* which *de facto* is, it was not done by me nor by them that rendered me the government, that now I act in, it was done by the long Parliament, that was it, and God hath seemed providentiall, not oney to strike at the family, but at the *Names* and as I said before *de facto* it is blotted out, it is a thing cast out by an act of Parliament, 'tis a thing that hath been kept out to this day, and (as *Jude* saith in an other case) speaking of abominable sins that should be in the latter times, he doth likewise when he comes to exhort the Saints, he tells them they should hate even the garments spotted with the flesh. I beseech you think not, that I bring this as an argument to prove any thing, God hath seemed so to deal with the persons, and with the family, but he blasted the title, and you know when a man comes (*à parte post*) to reflect, and see this is done, and laid in the dust, I can make no conclusion but this, they may have strong impressions upon such weak men as I am, and perhaps, (if there be any such) upon weaker men it will be stronger, I will not seek to set up that which providence hath destroyed, and laid in the dust, and I would not build *Jericho* again, and this is somewhat to me, and to my judgment and conscience, that it is true, it is that that hath an aw upon my spirit, and I must confesse as the times are, they are very fickle, very uncertain, nay (God knows) you had need have a great deal of faith, to strengthen you in your work, and assistance, you had need to look at settlement, I would rather I were in my grave, then hinder you in any thing, that may be for settlement for the Nation, for the Nation needs, and never needed it more, and therefore out of the love and honour I bear you, I am for ever bound

bound to doe, whatever becomes of me, *I* am ever bound to acknowledge you have dealt most honourably and worthily with me, and lovingly, and had respect for one that deserves nothing : indeed out of the love and faithfulness *I* bear you and out of the sense *I* have of the difficulty of your works, *I* would not have you lose any help that may serve you, that may stand in stead to you, but would be a sacrifice that there might be (so long as God shall please to let this Parliament sit) a harmony, and a better, and good understanding between all of you : and (whatsoever any man thinks) it equally concerns one man as another to goe on to settlement, and where *I* meet with any that is of another minde, indeed *I* could almost curse him in my heart ; and therefore to the end *I* may deale heartily, and freely, *I* would have you lose nothing that may stand you in stead in this way. *I* would advise you, that if there be any of a forward and unmannerly, or womanish spirit, *I* would not have you lose them, *I* would not that you should lose any servant or friend, that may help in this work, that they should be offended by that, that signifies no more to me then as *I* told you, that is, *I* doe not thinke the thing necessary, *I* doe not, *I* would not that you should lose a friend for it : if *I* should help you to many, and multiply my selfe into many, *I* would be to serve you in settlement, and therefore would not that any, especially any of these that indeed perhaps are men that do think themselves engaged to continue to you, and to serve you, should be any wayes disoblighd from you.

The truth is, *I* did make that my conclusion to you at the first, when *I* told you what Method *I* would speak to you in. *I* may say, that *I* cannot with conveniency to my selfe, nor good to this service, that *I* wish so well to speak out all my arguments in order, to safety, and

in order in tendancy to an effectuall carrying on of this work, I say, I doe not think it fit to use all the thoughts I have in my mind, as to that point of safety, but I shall pray to God Almighty, that he would direct you to do what is according to his will, and this is that poor account I am able to give of my selfe in this thing.

16. April, *Lord chief Justice Glynne.*

*The name and office essentiall to settlement.*

**F**irst, Because it is known to the law, his duty known in reference to the people, and the peoples duty known in reference to him, this cannot be transmitted to another name, without much labour, great hazard, if it may at all. To go by individuals, and reckon up all the duties, and powers that a King by our laws hath in reference to his trust towards the people, and the duty of the people towards him is a work of so great labour, that it would require months, yea years, if not ages.

Secondly, To apply its relative *talis qualis*, would introduce these difficulties. First, it would be a new thing, how it would prove is but guesst, and its the Foundation stone, its unsafe to put it to a hazard, when you have a safe one. Secondly, those certainties and securitie that accompanie that title are incident by the ancient laws and customes of the Nations, and that which the other office can have, are introductive, and given him *de novo* from this Parliament, as their ancient inheritance, that can claim but by a new title of purchase.

Thirdly, The people and your Highness lose the best title, both to their libertie, and your rights, which is the *Law, Ancient Custome, and Usage*, and claim it only but

but upon the strength of the Parliament; but if you take it as a King, you have the strength of both,

*Fourthly*, if you assume any other name, and have the rights given you by Parliament, it may seem as if the people had lost their ancient rights, and had need of new ones to be created by this Parliament.

*Fifthly*, The assumption of the title of King, is without need of any other authority to protect the people and bind the people to obey you.

*Sixthly*, if you should take the name of *Protector*, or any other new title whatsoever authority is applied thereto, is but grafting upon a stock that is new, and doubtful whether it will bear the fruits well, and still liable to former objections without doors.

*Seventhly*, if you take the title of King, the worst affected cannot object against Authority, or at all against the Parliament as the Donor.

16. April, *Master of the Rolls*.

**I**T is certaine that all governments in themselves may be good, for none as *male in se*, but the rule that hath alwaies been observed, that the most necessary and prudent course to governe a Nation must be taken from that proportion which is most suitable to the nature and disposition of the people that are governed. If this be the generall rule alwaies in the world, we may well draw this argument: both from an absolute necessity, and *ex necessitate consequentis* also. The chief governour in a settled government, being obliged to doe for the good of the people, not onely *quoad bonum sed quoad optimum*, then the consideration that will follow properly here will be, whether the name King, which in the judgement of the law, implies the office, be not the best government for the peoples safety, but *ex necessitate*

*cessitate causa, & ex necessitate consequentis*, to explaine this, it be most premised that when we speake of King, wee must take the difference, betweene the person dignified with the *Name*, and the *Name* it selfe; for this must be taken for a sure ground, the word King is a Name, as it is a word which the Law doth look upon, so it hath it's proper *Basis*, and foundation upon the law, and is as ancient as the law is; now, the Person of the King is a name that hath it's dignity and foundation from the word King, as *ex necessitate consequentis*, because in reason a man must bee used to exercise that authority which proceeds from that name. These things being very cleere, by the fundamentall grounds of the Law, if then we examine the foundation of things, according to the rules of the Law, it is manifest that the name King, the *Laves*, *Rights*, *Proper*, and *Liberties* of the people, and also *Parliaments* themselves have but one foundation, and have the originall prescription, and ancient customes, that is, customes time out of minde; so that in judgement of Law the Three, the King, the Law, and the *Parliament* are the parties of the Government of this Nation, which having the *Basis* and foundation from prescription, creates this forme of Government in this Nation, which is not a forme in the vulgar acception of the word (*Forme*) but it is the forme of Government settled in this Nation, that is of the essentiall part, and hereby the law forme *à dat esse*, Then to me it is an impossible thing that any Act of Parliament, even without a destruction to the essentiall part of the Government, can place that office in another Name (bee what it will) which naturally wants the foundation and ground of that power and office which that Name hath.

*First, Because the alteration destroyes the foundation,*

tion, which is prescription, and annexes to it a name that the law of the Land hath no acquaintance with.

*Secondly*, it sets all Lawes, Liberties, and what is dear to us upon a new Foundation, as to the people; for whatsoever is created by an Act, cannot have Life and Authoritie, but from that Act, and shall never looke back to its first Originall constitution, and it takes from the people, the rules and grounds which they have known by experience, and sends them to seek them in a power, which no wit of man can suddenly apprehend the bounds and limits, when so many doubts may arise, even in the old foundation, which experience and time hath excellently refined from these grounds: I may safely say, that there never was but one King in England from the first foundation of Kingship, and can safely conclude there never will be more, and that there have been many, and more I hope will be whose person exercise that Office: for the Law doth positively affirm the King never dies, and that the reason, because its originall is grounded upon the same foundation, which is so conjoynd together, that no death can make a partition; and the difference is, the King never dies but the name and thing hath a kind in a vulgar sense, of an immortality. if we consider the continuance of the word and person that is invest with that name by the judgement of them, is not said to die, but to devise, which is to deposite, and to lay up the name and title of the King. Indeed to deposite it in another hand, all which proceeds in judgements of law, *ex necessitate consequentis*, and from the necessary inconveniences and mischiefs that may arise to the people, by *inter Regna*, and by other consequences. that would be too long to relate, there is a famous Example in 1 Hen. 7.

The common ground that is taken by the accession of the Office and Dignity to the person, but the true grounds

ground is the Name, and the Office is become part of the body of the Law, which should punish the offences, against which it was committed, which doth prove both the necessities of the Name, and the necessarie relation there is between the Name and the Law, and it is a necessary deduction that the name King is the thing wherein the Office and Power is placed, and therefore not practised by any Statute or Act of Parliament, to divide the power and office from the name, and transfer that power without the name; the word King hath such essentiall reference to the Law, that it never looks to the person, to make that the ground of the essence; but if it had been the name the law was satisfied, and therefore it never examined the right of the person, how he became invested with the power, but *de facto* whether he were or no; and if so, whether *de facto* or *de jure*, it hath the same influence upon the peoples right, and the same Advantages to the chief Governour.

The objections of the government now, and of the government under the Keepers of the Liberties, and the quietnesse under both of them.

1. **R** Emember the difficulties in making.
2. The Grounds why the Judges acted, though some refused.
8. That upon Debate when inconveniencies were set forth, these Grounds another Parliament might change and the like.

4. To the government, the dislike of the people, how some disrelish this now set up.

5. The Laws did proceed farr, when the Ordinary proceſs disobeyed, a good Army to help us, the ground and reason of the warr against the person: for the breach of trust in his departure against his first promise in Parliament, upon the Petition of the Speakers, &c. and was not against the office but against breach of trust in that office, by the absence of the person.

There is also another reason why the office cannot be annexed to another name, either by act of Parliament or otherwise, for in any other name you must suppose the office, the King, so that any other name is but a fiction in respect of the right name, and that would be very dangerous, both to the laws and to the propertie, to lay the basis and foundation upon a fiction, which was a reason that some of the Judges forbore to act upon the name of *Custos libertatis Anglie*, &c. and the same reason upon the other name; I urged also that this Petition and advice was matter of right not of grace, which was never denied by any Prince in this Nation, nor can it be, because there is an obligation in all cases to do Right, and this obligation is upon the Protector whilst he takes upon him the chief Magistracy.

Colonel Iones, 16. April,

**M**AY it please your Highnesse, I am unwilling to spend the time in speaking after those two learned and honourable persons that spake last, and therefore shall endeavour in what I have to say to those doubts you were pleased to make when this Committee had

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the honour last to attend you, to be as brief as may be. Your Highness was pleased then to say, that though the arguments brought to the maintenance of the title *King*, in the Petition presented to you by the Parliament were weighty, yet in your answering them you must not grant them necessarily conclusions, but take them as having much of conveniency and probability of, towards concluding; for if any expedient may be found, they are not then necessary. And you were pleased to tell us that though *Kingship* be not a Title, but an Office interwoven in our laws, yet it is not so *ratione nominis*, but from what it signifies, that being a name of office plainly implying the supream Magistracy, & therefore whatever name it be, wherein the Supreme Magistrate resides, the signification will give to the thing, and not to the name, and seeing this Title had a Commencement, and also hath been unfixed, why may not a new one now commence and be now fixed by the legislative authority, and thereby be made to run through the law, as well as the Title *King*; from whence may be inferred this Title is not necessary; but may it please your Highness, if it be considered the intention of the Parliament in this their humble addresse to you, (*viz.*) that it is a *Settlement*: it would then be likewise considered, whether a new name will not be found, in this case to make a new Office also, and whether then the novelty thereof will be not hazard it nor frustrate that great end of settlement, the Antiquitie and tryall of Laws, being that which doth beget the greatest reverence and satisfaction of them in the people; and that the change of the name makes it a new Office will appear both in respect of his authority, who bears the office, and in respect of the peoples obligation in matter of obedience to that new officer; for by the  
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ancient law he cannot claim subjection from them, nor can the people therefore claim subjection from him, the strength then of the settlement, and of their Rights and Liberties, as farre as they relate to this new Supream Magistracy, will rest upon a new and untried constitution, and this authority upon the same foundation, the wisdom of our Ancestours, even in lesser matters when they introduce a new Law, made it for the most part a probationer onely : and I may humbly say, we have now some yeares been making probationaries of new Governments, and therefore the Parliament finding the people not yet settled with any of them, return to that which by long experience and custome hath been found to suit with their Mindes, and Rights, the people having not the same satisfaction nor acquiescence in any new thing which they have in long approved Laws, and Customs, a new thing being in it self uncertain, not onely whether it will prove good or no, but also in this case, in respect that one main property of the settlement being a coordinate power, depends upon it, and will be subject to be controverted whether one coordinate is well put up by another, or may not by the like power that sets it up be pulled down again, which cannot but leave mens minds as doubtful of settlement as ever, things uncertain and disputable, naturally carrying unsettlement with them. Time and experience hath grafted this *Name* and *Office* in the minds of the people, and that (as I said already) begets reverence and satisfaction in their minds. Also they were the exorbitances of the office (which in great measure this petition provides against) that was complained of, and not the *Office* nor *Name*, which are founded upon the ancient laws, the altering of either, alters the constitution, and layes it upon a foundation lesse certain,

and easier to be shaken; and therefore to take up the office without the *title* will be to take it up with all the Objections of Scandal: or otherwise it is said to be liable to, and yet to want the support of the ancient Laws it carries with it, and the advantages of satisfying and settling the mindes of such of the people of these Nations, as by the consideration of novelties, and what in this case attends it, will otherwise rest doubtful and unsettled. These are some of the grounds I observed in the debate of the Parliament, to induce them to judge this *title* not onely expedient, but in respect of settlement necessary. Your Highnesse was pleased to object also the dissatisfaction of good men which you judged in things indifferent were to be considered.

They are so, and it hath been so judged by the Parliament, who manifested great tendernesse in that kind, and I hope ever will: but in this matter found by the Parliament not to be indifferent, but necessary for the settlement of these Nations, they hope that wherein good people have not already been satisfied, they will endeavour for satisfaction: and it is to be hoped that when the matter of this Petition will be made more publick, they will find such care and provision made for good men, and of good things, that will certainly give them satisfaction, I think I may safely say, such a positive provision for their Liberties and encouragement hath not been found under any former *King*, nor any other form of Government, to which your Highnesse hath been pleased your self to give that testimony, so that it is not *Kingship* alone, as formerly the Parliament adviseth your Highnesse unto, but to the office with such a provision made for the good interest: and if then your Highnesse (of whose faithfulness to their interest, good people have received such ample testimony) will be pleased to consent to this Petition of  
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the Parliament, an authority alwayes of no small esteem and reverence with the best men; I doubt not but when it is done they will chearfully acquiesce, though while it is doing they may have scruples for that of providence laying aside the *Title*, I thinking the argument whence will be as cogent against the office it self, and against Government by a single person under any title, the Acts of Parliament mentioned are as expressly against the one as the other; and therefore the exercise of the Supream power by a single person under any *title*, is as much a contradiction of providence and these Acts of Parliament, as the exercise thereof under the *title* of a *King*: but certainly the laying aside of a thing *de facto*, which though indeed it be an Act of providence, yet it cannot be construed, that the intendment of that providence is finally to lay it aside, never to be reassumed again: the consequences of such a position are many and may be dangerous, for what by that rule is not to be laid aside.

I remember here an objection made, that your Highnesse in another place, which I had almost forgotten, which was that we did enjoy our Laws, and that the justice was freely administred under several changes and titles, as that of the Keepers of the Liberty, and the title your Highnesse now bears. To which I humbly answer, that if so it may be said, thanks are rather to be given to the persons into whose hands the power fell, then to the constitutions. However I crave leave to say this, that changes imply not a settlement, and since providence led us from our old constitution, we have in a few years had 4. or 5. changes, & that these changes have not been accompanied with more hazards, it is a matter of praise to the Lord, and of commendation to the powers we have been under, but if one provi-

dence both laid aside *Kingship*, another led it in, & calls upon you take it up : and it is to me a remarkable thing, that providence hath cast it under such constitutions and Laws, as if when we have thrown out the Tyrant that oppressed in our spiritual and civil Rights, we can by our ancient Laws graft another in, that may be a fit instrument to preserve both; who (as the learned person that spoke last said) may make it up as it were but one *King* : this 500 years the Law not admitting an *Inter regnum*, from whence I inferre, that as it was not the end of our Warre, as appears by six or seaven Declarations of Parliament, one whereof was ordered to be read in all Churches; so our providence led not to lay aside either the *Name* or *Office*, but that Family which oppressed us, then all mens Lives and Liberties depend on this settlement, it is necessary then to lay it in the strongest foundation that may be.

And as for that of safety, it is not for me to speak much of it, but certainly it is to be hoped, that as a Parliament advise your Highnesse to things honest and lawful, and by them judged necessary for a good settlement, and therein take care and provide for our Rights as men and Christians, and your Highnesse thereunto, all dangers upon Gods blessing upon your Highnesse wisdom, backed with such Annuity and an Army under the conduct of so many religious and faithful persons, so well principled to the obedience of lawful powers, may be prevented. And therefore I humbly hope God will incline your Highnesse to grant the Petition and advice of the Parliament.

16 April, Sir Richard Onslow.

*The Lord Protectors Objections.*

**O**bjection, That the Title of King is a name of office, and any other name which may imply the supreme Magistrate hath the same signification, and therefore no necessity of the name.

*Answer.* Every office ought to have a name adequate to the said office, and no other name then King can be suitable and comprehensive enough to contain in it the common good to all intents and purposes.

It is a Rule, that the Kings of England cannot alter the lawes of England, *ratione nominis*, but is bound to govern according to the Lawes of England, but for anie other name, there is no obligation lies upon it.

That the verie Title is necessarie was declared in the 9. year of E: 4. when the great controversie was betwixt E: 4. and H: 6. that sometimes one was in possession and then another, that it was necessarie the Realme should have a King under whom the Lawes might be maintained and holden; for everie action done by the King in possession was valid and good, for it was his Jurisdiction Royall, so likewise the first of H: 7. so 3. the same opinion was held and declared, that a King *de facto* was necessarie, and in all alterations from persons and families. Yet our Ancestors alwayes retained the Title and the Name.

There is a *prins* & a *primum*, another name may in order and degree be first, that is, before other men, but it was a King was *primum*, the first name that had its beginning with our lawes.

The Customes of England are the Lawes of England, as well as our States laws the title of King & custom are two

twins born together, and have had continuance together, and therefore to say *Protector*, of which we know the date, with *Custom* (of which no memorie can speak) is a kind of contradiction to the Originall.

Then there must be a Law introductive, because *Protector* is a new name that our Law doth not yet know. Now to ingraft a young science upon an old stock it will never grow, but there must be an irradiation of the old root and a new plantation must be made, and that all the old customes must be put into positive lawes, and that will be a thing consisting of much time and great difficulty.

The title of *King* is so incorporated, and in conjunction with our *Customs*, which doe very much concern the people of England to be upheld, and then there is a rule, *Quaeque res in conjunctione pro bono conjunctionis*, that ought to be done which is for the good of the conjunction & benefit thereof, & if it be for the advantage of the single person & the people, it brings me to mind of another rule my old Mr. Tully taught me, *Communis utilitatis derelictio contra naturam est*, it is not naturall to decline that which is for a common benefit and utilitie.

And therefore I shall say but this as to the title, that as the Patriarch *Jacob* joined together in his blessing upon *Judah* the Law-giver and Scepter, for the Parliament of the three Nations desires to preserve the title *King* in and upon the Law.

2. *Objection*, another argument your Highness was pleased to draw from providence, that had brought you to this place through much darkness, and had seemed to lay this title aside of *King*.

*Answer*, It becomes all men to acknowledge the acting of the providence and power of God for bringing to pass whatsoever he hath determined in the world, and  
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it is the mighty and wise hand of providence which Triumphs over Nations, and Triumphs and treads down all oppositions : Yet your Highness observes, it is not a rule to walk by without the word, the reason, the causes are hidden in the secret Councell of Gods will; you may see in the Revelations, the Book is Sealed up with seven Seals, we may read what is past, because it is written on the out side of the Book, but what is to come we cannot read, and we ought not to limit providence, nor can we bound it with *a no further*.

3. *Objection*, this State hath by providence received severall changes to great ones from the former constitution, that of the keepers of the Liberties of England and this present Government, under the title of *Protector*, and the first seemed to be the result of 7 years war against the *Title* and the *Family*.

*Answer*, it must be confessed it proved the event of 7. years war but the reasons of the war did not lead to it, for the war was for *King* and *Parliament*, for the *office*. But against the person, against the exorbitancy and irregularities in his Government, but it was providence that took away at that time both the *Office* and the *Family*.

It was also providence that altered from that of a *Republick*, to this of a *Protector*; that act being as much against *Protector* as a *King*, for it was against a *Single Person*.

And may not, by the same series of providence, this Parliament as well set up *Kingly Government*, as that Parliament took it away, having also the same power they had.

4. *Objection*, Another ground why your Highness would not accept of the *Title* was, the dissatisfaction many persons, who had been instrumentall in carrying on the work, have against that title.



*Answer,* in everie change of Government there was and still will be persons unsatisfied, because men are of mixt interests and differing in judgement, upon the change to a Republiek, those that conceived the Monarchicall Government best were unsatisfied: but all ought to submit and be concluded by the judgement of a Parliament.

Your Highness was pleased to say that neither your self nor those that tendred to you the instrument were authors in the first change, but it was the long Parliament, so that I may conclude, they were not engaged for that Government by King.

It hath been indeed the honour of the Souldiery that in all these changes they have still followed providence, and have acquiesced, acting and living in practicall conformity; but I wish they would be satisfied, for their love sake to us, and their labours for us. High should his reward be in Heaven, and happie his remembrance on earth, that would be the means of such an accord, but to satisfie all men so devided as we are would be no less then a wonder. I shall speak in a parable in the 27. Chap. of Ezekiel vers. 19. the Lord said to the Prophet. *Take two sticks, write upon one stick for Judah and the children of Israel companions, and take the other stick and write upon it for Ioseph the stick of Ephraim for all the House of Israel his companions, and join these two sticks in one stick, and they shall become one in thy hand, these are the two Nations of Israel and Judah, two distant and differing names, but they shall come under one King, and David shall be their King, thus they were united.*

5. *Objection,* Justice hath been as well administred and as free from solicitations under these changes as before.

*Answer,* you were pleased to say you undertook that charge

charge to preserve from confusion, which indeed is the worst of evil, and the same reason might prevail with judges, and other Magistrates to execute Justice, and give to men their rights, which is so desirable to all men and of absolute necessity.

Justice may be compared to the water in the spring, if kept from his natural channell will break his way through the bowels of the Earth : nature sometimes may suffer violence, there is a peace in a cessation to war, and there is a peace in the regard of the distraction may be termed ; but an intermitting peace, for your Highnesse is pleased to acknowledge that the people call for a subsistery and cry aloud for settlement, from which under favour I may infer, that as yet there is no settlement so well settled as to be accounted perfect and good.

Your Highnesse is pleased to declare you had rather take a *Title* from this Parliament, then any title from any other place or without it.

The Parliament of *England* is the Womb of the Commonwealth & in that Womb there hath been a conception & shape, & proportion, & form, & life, and growth as far as the navel could nourish ; there hath been also a delivery & a name given, there hath been *conceptus conceptus partus & opus*, & it hath been a great work to bring us to this delivery, it is therefore the humble advice of the Parliament that your Highnesse would be pleased to make it speak the English tongue.

*Aprill the 16.*

*Lord Com. Fines.*

**Y**OUR Highnesse the other day laid down as a ground of your ensuing discourse this position, that there

there was no necessity of the name and Title of *King* upon which foundation your Highnesse seemed to build the Arguments and reasons of your Highnesse dissatisfaction, as to the *Name* and *Title*, and that in such sort as the matter is now circumstantiated and stated by your Highnesse own self, that there is a necessity either in the affirmative or negative, if it be not necessary that the name be assumed, it is of necessity to be declined, and if no necessity to decline it, then there is a necessity to assume it : for although the nature of the thing be it self such as possibly may admit a latitude of argument upon the point of expediency and inconveniency, and that we are not shut up under an absolute necessity either the one way or the other, yet the Parliament having given their judgment upon it, and their advice to your Highnesse in it, your Highnesse seemeth to admit that there lye the kind of necessity upon you to assume it : if there be not a necessity to wave it, for you will not without necessity decline the advice of the Parliament having said that you should rather chuse any name, which they should fixe then any name whatsoever without. Then it holdeth out thus much, that you will not put expediency nor conveniency, but onely necessity in ballance with their judgement, who are the proper Judges of things in that nature, and what is most expedient and convenient therein for the three Nations, which they represent, & thought a name might otherwise be inconvenient, yet accompanied with judgement of the Parliament, it would become more acceptable to your Highnesse, then any other name without, as your Highness hath said and admitted, and besides the grounds of dissatisfaction held forth by your Highnesse, relating to conscience, they must be such as are grounded upon a necessity in the negative through the reasons alledged by the

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Committee should not of themselves conclude, but only in expedience in the Affirmative ; yet they are so far from concluding a necessity in the Negative, that they doe it by accident in the Affirmative, because there is not onely a necessity of the Negative, but an expedience in the Affirmative, which notwithstanding is more then lay upon the Committee to make out, it being sufficient, as this case is, to shew that there is not a necessitie to decline it, is to conclude a kind of necessitie to take it, and whether or no if the position laid down by your Highnesse were admitted, the reasons given by your Highnesse, doe upon supposition conclude a necessitie of declaring this Name, is the question in the second place : when first position hath been considered, how farr it must or need not to be admitted ; there is a double necessitie in a naturall and a morall necessity : a paternall necessitie falleth not under consideration rules, if it be one respect, because there is a kind of impossibilitie, at once to enumerate all particular cases and circumstances, wherein the chief Magistrate shall or shall not have power or right, which manie hundred of years hath done and fitted the Laws in all particulars to the *Name* and *Title* of *King*, but to the Name of *Protector*, or any new Name, either all cases and circumstances must by particular enumeration be applied, which would be the worke of an age. (as it hath been of manie ages in that Name of a *King*, or it must be left at least in what is not enumerated boundlesse and Lawlesse, which that it should not be : there is a morall, that is to say a politick necessity, or else, to suit a particular enumeration, there must be a generall clause, that in all things not particularly specified, they shall be defined by the Laws and Rights belonging to the word *King*, and then the question will be meerly nominal, & consequently not be put in ballance with the judgement of  
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the Parliament, for that a necessity in the Negative cannot arise out a meer nominal difference of the thing, & the definition thereof being Identically the very same, and there being no difference but onely that of a new Name, which in the judgment of divers wise men, may draw after it such a consequence, as the putting of old Wine into a new Bottle, which may hazard the losse of the thing, and of the Laws, and Liberties of the Nation, which are desired to be preserved thereby: as to moral necessity, it is either *fo absoluta necessitate*, or *necessitate precepti*, or *necessitate medii*; for the first necessity there are but four things which are necessary in that sence, as God is necessarily good, true &c. And as to that necessity which is *virtute precepti*, it is so either primarily or secondarily *in terrentu aëius humani*, and of the latter sort is the matter in question, if at all necessarily *necessitate precepti*, for though Magistracy be an Ordinance of God primarily, yet particular forms of Magistracy and Government, and much more the circumstances of those forms, as Names, Titles, and the like, are first Ordinances of men, before they are Ordinances of God; first man set's his stamp upon them, and then God set's also impresse upon them, and therefore though they be but Ordinances of men, yet the Apostle saith, we are to Submit unto them for the Lords sake, whether to the KING as Supream, or to the Governors as those that are sent by him, and what *Peter* calls Ordinances of men, *Paul* calls Ordinances of God, and yet they are to be obeyed not onely for fear, but also for Conscience sake, so that in these forms of Government men may do as they will, as in other contracts, wherein it is free for them to contract, or not to contract, or to make their Cove-

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nants this way or another, but when they have made them, they must keep them, for then Gods seal is upon them: now as to the matter in question, it is clear, that the unquestionable stamp of humane authority, and the Ordinance of man in these Nations, hath accompanied this Office under this Name for many hundred years together; and if it was waved and laid aside, as of late yeares, it is now set up again by as good an Authority, and a fuller representative of the three Nations; and though it be onely by petition to your Highnesse, yet it is in some sort a Petition of Right; for the people of these Nations have an Interest in their Government and Laws ( whereof this was amongst fundamentals, ) as well as in their Liberties and Lands; and although particular persons may have forfeited their interest in the Government, yet I do not know that the Nations have forfeited their Interest therein, but if this point shall seeme to be driven too far, yet it is clear, that if the Office under this Name and Title be most known, and most suitable to the Laws of these Nations, most agreeable to the desires and dispositions of the people, and most likely to maintain quiet and peace in the Nations, with Justice and Liberty, which are the great ends of Government, and of all Forms and Names therein, as in the Judgement of the Parliament it is: Then as it is the duty of the Parliament to advise it, so doth thereby lay an obligation upon your Highnesse to accept it *necessitate medii*, as a necessary *medium* to attain those ends: And whereas your Highnesse is pleased to say this *medium* is not necessary, because the ends may be attained by another *medium*, as appeareth

reth in these two Names and Titles, *Custodes libertatis Anglie* and *Protector*: besides, the experience in the one, that was but of short continuance, and of the other, that it hath & doth still stand but in a shaking & uncertain condition, and of both that they have attained the end but imperfectly, and through the help of a great deal of force; and though it cannot be denied, but that the end may in some degree be obtained by some other *mediums*, which may serve the turn in case of necessity, and when no better can be had; yet where such a necessity is in the case, there doth spring out a kind of morall, or at least a politick end of the contrarie, & of embracing that which is the best *medium*; for in case of necessity, there might be a Government without any Laws, and that *Arbitrium boni juris* should serve instead of all Laws; and yet where Laws can be had, none will say that Laws are not necessary: when a man hath a better Lamb in his Flock, a worce will not serve, but in that case there is morall necessity, that the best be brought for a sacrifice; when the Parliament (and they suppose the like reason extends also to your Highnesse) are perswaded in their judgments, that this is the best *medium* to preserve the Liberties and the Peace of the Nations, and yet no necessity appearing unto them so to doe, should make choise of a weaker prop, and that thereupon should ensue inconvenience, and that the band of peace being broken, blood and confusion should return upon the Nation; it must needs also return upon their thoughts, that they had been wanting in their duty, in not providing the best remedy, which possibly might have prevented the mischief which leadeth to the consideration of the second question in this matter, whether admitting your Highnesse position, that there is not a necessity of this Name *King*; the reason held forth by your Highnesse, makes out such a necessity;

ty, as that you cannot take upon you that *name* though  
 advised thereto by the Parliament, as the best & most re-  
 ducing to the ends of Government, withal granting not  
 absolutely necessary, if there fall not out to be necessity  
 in the case, to the contrary, your Highness was pleased in  
 the first place to mention the dissatisfaction, as to this  
 particular of many godly men, & such as have grown up  
 all along with you in the carrying on this great cause,  
 as Souldiers, which indeed must needs be very great  
 and tender consideration to your Highnesse as it is also  
 to all of us, who reap the fruit of their prayers,  
 and of their hazards, & great & worthy service, and it  
 would be a great happiness, if it might please God that  
 great and good things were carried on with unanimity  
 and harmony amongst good men: but the felicity hath  
 never yet been granted unto us, but that great matters  
 and changes have been accompanied with great diffi-  
 culties, with great difference of judgements, even a-  
 mongst the best men, as our late changes sufficiently tes-  
 tifie. For your Highness knows well when that change  
 was made, whereby this *Name* and *Office* was laid aside  
 how many godly men and your old friends were dissa-  
 tisfied therewith, and yet those that had then the power  
 did not think that they should therefore forbear to do  
 what then was judged for the good of the Nation. There  
 was the like dissatisfaction on the other side of many  
 Godly men, when your Highnesse took upon you the  
 Government under the name of *Protector*, & yet it was  
 not held an unjust obstacle to what was then thought  
 good for the Nation. There is a certain latitude where-  
 in there may be had a respect to friends, when the pub-  
 lick good of the whole Nations is in question, other  
 considerations may not take place, and it is not love to  
 satisfie mens desires to their own hurt, and the hurt of  
 the publick; so it cannot be thought, but that Godly  
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and sober men, when they see this *name* stamped first with the ordinance of man, and after with Gods ordinance, (for so it will then be) they will submit thereunto for the Lords sake, and satisfie their minds that they ought so to doe, for that other reason alledged by your Highnesse, that this *name* hath been blasted and taken away by the Parliament; it is clear, that the *thing* was as much blasted as the *name* and the Government by *one person*, under what name soever, as much and more blasted then this *name*; but in truth, neither *name* nor *thing* hath been at all blasted by God; otherwise then he blasted all things and names of this nature. It may be as truly said, that he hath blasted Parliaments, for they have also undergone and felt the like blasts, but God hath so declared his will concerning all particular forms of Government, that they are wholly at the pleasure and disposition of men to be continued and altered and changed according to the exigency of affairs, and publick good of the people and Nations for which they are created by men: for the Scripture calleth them *humane creationis*. Therefore as men blasphemeth them, so God blasphemeth them, and when men set them up again. God honoureth them again, and commands they should be honoured; One Parliament thought the perfect state of affairs required the taking away of this *Name and Office*; and this Parliament judgeth, the present state of affairs requireth the restoring it to the Nations again: as to that point of safety which your Highnesse touched upon, we may best answer it by drawing a curtain before it as your Highnesse hath given us an example, there are dissatisfactions on the one side, as well as on the other, neither is the consideration of danger onely on the one side; and some things may be more convenient for your Highnesse to conceive, then for us to speak

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onely I shall remember your Highness what the Wiseman saith, *he that observeth the wind shall never sow; and he that regardeth the clouds shall never reap:* the husbandman in the way of his calling must rule his actions by the ordinance and revealed will of God, without attending unto the uncertain events which may arise through the indisposition of the aire, which is in Gods hands and disposition, so every man in the way of his calling must attend to what is the revealed will of God to guide his resolutions and actions thereby, and not by the various minds of men, which are in the hands of God: and the Wiseman also saith, *he that walketh uprightly, walketh surely;* he walketh uprightly that walketh according to Gods revealed will. It is also a great note of integrity to speak as a man thinketh, to doe as he speaketh, and to sute name to things, and as your Parliament hath thought to suit with this thing: so have they offered to your Highness with much integrity, and without any other respect saving to your good and liberty of the Nations.

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Lord Broghill.

April 16.

**Y**Our Highness the last time this Committee had the honour to wait on you, seemed to be of opinion, that it was not necessary that you should assume the Title of *King* to exercise legally the office and duty of supreme Magistracy of these three Nations; because that the Title of *Protector* is by the authority of Parliament made the Title of the

chief Magistrate , would do as well and answer all ends of Government as fully , as that which now the Parliament does desire and advice your Highness to take up upon you: but to effect this, either all the powers and limitations of a *Protector* must be more particularly enumerated, or he must under the name have all the authorities with a *King*, as a *King* has by the Law. Of the first of these then (as those learned Gentlemen that have spoken before have fully proved ) whatsoever is not particularly specified, the *Protector* is left to act arbitrarily, or a Parliament must be called to supply everie now discovered defect, this power being derived onely from that authoritie that now does, or hereafter shall constitute them, which will prove dangerous and inconvenient both to himselfe and the people, and to set down all authorities and abundances which are requisite , will be a work of somuch time and difficulty, if that in the Nation onely it seems impracticable, in the acting it will be much more found so, if the second, then it will evidently appeare, if the difficultie is onelie about a name, and it would be a sad thing indeed that anie disagreement should be between your Highness and the Parliament: especially when the thing differed in , as the settling our foundation , and the thing differed upon, is onelie a name, I hope that unhappinesse will be so well foreseen as never to runne unto.

Your Highness was pleased to take notice that if the Title of *Protector* were settled by parliament , hardly anie thing could be objected against it , but that it is a Title not so long known to these Nations as that of *King* , which is a grave and weighty objection , since in constituting of Governments, the ablest and most deserving judges are un capable to see these disadvantages and inconveniences which time and experience dec

doe render evident, which may be a reason, if not the chiefe one, why our Ancestours would never alter Kingly Government, though they had often the power to doe it, and were provoked thereunto by exorbitance and evil Government of their princes, chosing rather to bound that office proportionably to the evils they have deserved in it, then to establish a new Model of their own, in erecting of which they could not have in some ages the experience they had of that; and to cast off an office that has been some hundred of yeers a pruning and fitting for the good of the people, to establish one that has been but newly known, were to think our selves wiser in one day then our Forefathers have been ever since the first erecting of *Kingship*.

It has been an unquestionable principle that the Magistrate is establisht for the Lawes, and not the Lawes for the Magistrate: if therefore the Title of *Protector* should be the Title of the supreme Magistrate, we should fit the Laws to him, not him to the Lawes; which would be by our practice to contradict our professions, and possibly wound the peoples rights, but in this point there has been so much said, and that so learnedly by these worthie persons, who have spoken before, and to prove the necessitie of your Highness assuming the Title of *King*, and should onely adde a mentioning of those manie reasons that the Parliament of three Nations think it necessarie you should doe it, which is evident, by their incerting it amongst these three things, which they esteem fundamentals as to the settlement: yea, they have placed at the head of all those fundamentals and laid so great stresses on it, that in their humble petition and advice, they declare that if it be not accepted of, the whole shall be esteemed null and void, so that the

highest necessity imposed by a Parliament will have the best acceptance, your Highness was pleased to mention, that we had recent experiments what the supreme Magistracy of the Nation might be well carried into all effects and purposes under another name and Title. then that of *King*, viz. under the name of *Keepers of the Liberty of England*, and under the name of *Protector*, but I shall humbly beseech your Highness to consider, that because that was not grounded upon the old known lawes, it was of verie short duration: and the second for the same reason, the Parliament is now petitioning and advising your Highness to alter; so what is brought as are arguments to prove what your Highness mentions, possibly may rather evince the contrary: besides Sir it is confession on all hands, that these two changes spring from necessity: therefore were not, neither ought to be of longer continuance then that necessity which caused them, and this is the great and real difference between constitutions that are established meerly because necessary, and those that are established meerly, because good: for what is onely of necessity is but temporary, as no effects lasts longer then it's cause; but what is good in it's own nature, is always good and if by intervening accidents to be a while clouded, yet at length it shines and overcometh, and all wise men do desire to revert unto it. To prove that the first of these changes, the *Keepers of the Liberty of England*, was onely an act of necessity and not of choice, I need but mind your Highness of what the Master of the Rolls then spake of, the Parliament did even now evert; that after the *absolution of Kingship*, the Parliament were necessitated to advise with a Civilian of another Nation, what the Hollander had done, what they did, they

they were at a losse what to doe, the providence of God hath so altered the temper of Officers between that time and this present, that the change appeared best, because necessary : but the Parliament esteems the change now desired necessary, because best ; nor can we possibly better expresse our thankfulnesse for the opportunity, which now God hath put into our hand ; then to imployment, to make the best and lastingest settlement ; all things are best which are found best upon tryall ; but all the changes we have been under of late were upon belief, not experiments and having had an essay of all, the Parliament have found that above all all, *Kinship* is the best, so that by the best judges, and by the best way of judging that form of Government now presented to your Highnesse, hath the preceeding in the peoples opinion, and therefore is hoped you will have it in yours.

It may possibly be fit for your Highnesse observation that the best breach which happened amongst those worthy persons, which instrumentally carried on our Common cause, arise from the taking away the *Title* and *Office* of *King*, so often declared for and engaged to be maintained by the Parliament, till then we went hand in hand and tooke sweet Council together, and if the Abolishing thereof caused so sad a breach, probably the restoration of it may make it up again.

Your Highnesse was pleased to say, you assumed the office you now bear with no better hope then to prevent mischief ; questionlesse we may expect better fruits from the supreme Magistracy : and if your Highnesse, who is every way so worthy of that office, had no better hopes under the *Title* *Protector*, we may justly subscribe it not unto your self, but unto the confusion of Government you acted

under, and therefore your Highnesse now do assume the Supreme Magistracy according to the Laws: we shall both hope and believe that you will not onely prevent ill, but do much good, the best Governour being granted upon the best Government. Your Highnesse expressed some doubts, that the providence of God hath blasted the *Kings* office in the dust, and that by an act of Parliament was laid aside: but I humbly hope your Highnesse will pardon me, if I cannot have the like apprehension, I cannot believe if that office were blasted by the hand of God, that the Parliament would advise and petition you to take it up. Besides Sir, the very Act which first cast out the Kingly office, did also cast out the Supreme Magistracy in any single person: yea, by way of election or otherwise; therefore I begge your pardon if I cannot think that act of parliament can be interrupted as a providential blasting of that office, which your Highnesse thought necessary to accept of, and by vertue of which we have for some years past enjoyed quiet and protection. So that if *Kingship* be blasted then *Supreme Magistracy in a single person* is as much, being both equally declared against at the same time, and in the same Act of parliament; and that since your Highnesse by your actings, have evinced you did not believe the *Supreme Magistracy in a single person* was blasted by providence, you will permit us to believe that *Kingship* is no more blasted then that, the same authority & the same act having blemished (as farre as it could) both alike; but your Highnesse is pleased to say *Kingship* is cast out *de facto*. If the weight of the argument do rest thereon, your Highnesse by accepting the petition and Advise of the parliament will make your argument as strong for *Kingship* as ever it was against it, and 'tis hoped your Highnesse will not doubt that what one Supreme authority did suppress,

another

another may erect : that seemed necessary then in the judgement of them onely, then they knew not what to do when they had erected Kings, and we shall be in the like perplexity if now you accept not of this : What the long parliament did after so long a Warre, must be considered rather as a result of providence, then the casting out the other. The state of parliament must be considered under that notion also, and yet I think there is few that esteeme it not as fit to referre it again under due qualifications, as then 'twas esteemed fit not to allow of it under any ; if also your Highnesse arguments were carryed on as farre as it might be, I apprehend it might also bring it in question, that the parliaments were blasted by providence, for whosoever allows not the dissolving of the long parliament to be under that notion, will hardly find a good reason for its dissolution ; but it may be answered, that it may not cast down in reference to some that acted in it, who were suspected to have a design of perpetuating themselves in that authority, which would have turned what should have been our physick into our food. To which I humbly answer, had that been so, the people might have had new Writs sent unto them for the election of their representatives, who might have carried on the publick affairs of the Nation by a new parliament ; but it seems those times would not bear it, and therefore a convention of select persons were called, unchosen by the people, to whom all power was devolv'd, and who had even a right to have perpetuated themselves by calling into themselves from time to time whom they thought fit : so that parliaments were not for that turn only laid aside but even by that constitution which did it, were perpetually excluded : by which it is evident that if Kings were *de facto* blasted, parliaments were the like ; yea much more, for in the act for abolishing Kingship, it was



was treason in those onely who offered to restore it, but by consent in Parliament : but in that assembly there was no such provision for Parliaments ever, as hath been said. By their constitution Parliaments were excluded, and to evidence how much streesse there lieth barely upon a legal name, that Assembly to give greater Authority to their actions, stiled themselves a Parliament, as the onely name the Parliament took notice of, as the Supreme Authority of the Nation, which possibly may invite your Highnesse to believe that godly men and wise men think it essential to have Titles consonant to our Laws : and therefore that your Highness in the exercise of the Supream Magistracy will be the rather invited to assume the Title *King*, that being consonant, and that onely being consonant to the Law : I think all sober men agree of that Government, but for the particular form thereof, it is left to the wisdom of those which the people chuse to represent them, to set upon such a form as may be most fitted to their *Genius*, and likeliest to prove their good and quiet. If any can prove that *Kingship* by the word of God is unlawful, or that people have not power to give the Supreme Magistrate what name they think best, I should be then silent ; but since that power is unquestionable in the representative of the people, and that they have desired your Highnesse to govern them by the title of *King*, and since also nothing can be objected against it, and both reason & custome pleads for it, we earnestly hope you will not think fit to deny the people that which is but their Right, & I believe it was not yet denied by any Supreme Magistrate to any people : to which may be added, that if the *Kingship* has been cast out by any providences, your Highnesse accepting it will shew that it is restored at least by as many more as have happened in reference thereunto, for its absolution to its restitution.

Your

Your Highnesse did further object, that some good men would be offended at your acceptance of that Title. I confesse it is very considerable, and I think every judicall person of the House would be very cautious to give men under that character a just offence, but your Highnesse will be pleased to permit me to minde you of the character you gave of good men in your last speech; they are such you said as give obedience to Gospel Ordinances, which requires obedience to authorities, not for fear, but for conscience sake, That you reckon nothing of godlinesse without the circle, and that any principle which opposeth thus was diabolically, and sprung from the depth of Satans wickednesse, you were pleased further to say, that though some good men scrupled at that name the Parliament thought fit to assume, yet their doing so was no part of their goodnesse: by which it will be evident that your acceptance thereof cannot offend good men, but by their esteeming their obedience to a Gospel-ordinance an offence, which I hope no good men will or can doe. I shall also humbly beseech your Highnesse to consider, that if on the other side the acceptance of the Title may offend some good men, so on the other side the declining of it will give offence to the Parliament, where all good men are legally and at once onely represented. The case of *David* when his child was sick may possibly parallel the case of such good men as are herein unsatisfied; while as the child was sick he was very earnest with the Lord for the restoring of it to health, but God was not pleased so to doe, and the child died, his servants being of another principle then himself, thus reasoned, if his trouble and grief were so great, while yet the child was not dead, what

what will it be now it is dead; but *David* reasoned thus, while there was hope. I wrestled with God, but since his will is declared I chearfully submit to it. I hope as scrupulous good mens cases in the particular of *Kingship*, is a parable to the History, so it will likewise prove in the event, Your Highnesse was further pleased to mention some considerations in reference to safety, to which I humbly answer, the things that are offered to you are just in themselves in reference to Civils and Spirituals, and so acknowledged by you: that authority that tenders them is the Supreme legall authority of three great Nations. You have a faithfull and a good army, and we have you at the head of them, what shall we then feare; To which I shall only adde, that safety hath been often in danger by the Kings and Parliaments disagreeing, but this is the first time, ( if it be in danger ) that ever it was by their agreement; to which I may further adde, that whatever evil may arise from your agreement with your parliament, it will befall us in the way of our duty, which is an inward comfort to ballance any outward evil; But if any evil happens, by your not closing with your parliament, we shall undergoe the outward harm, and be denied the inward support. Your Highness was pleased to say, you had rather have any name that is not given by them: permit me therefore now to say, that to all other arguments we have one irrefutable, and that is your own engagement, for the parliament doth desire and advise you to accept the name of *King*; hitherto we have pleaded but upon the account of your engagement, and it is humbly hoped your Highness, who hath so exactly observed your word to your worst enemies, will not break it unto your best friends, the parliament.

Lord Whittlock 16 April.

Sir, I have very little to trouble your Highnesse with, so much hath been already spoken, and so well, that it will be hard for me or any other to undertake to add to it, only the duty of my imployment, and something due to your Highnesse, occasions me to speak a few words to acknowledge with very humble thanks, the honour and right which you have done this Committee, by the clear and free discourses and conferences which they have had with your Highnesse, and for your frequent expressions and testimonies, of affection and respect to the parliament, whose sence in this I may presume to speak, that never any persons met their Supreme Magistrate with more love, duty and honour, then the parliament have met your Highnesse with, in their present addressees; which argument of love deserves the esteeme and force, which I doubt not but your Highnesse will put upon it. I am fearful to be too tedious at any time, especially at so late an hour, and therefore shall speak but short, to some things which I remember not to have been mentioned. Your Highnesse was pleased at the last meeting, to say, that the original institution of the Title *King*, was by common consent, and that the same common consent might institute any other Title, and make it as effectual as that of *King*: this must be acknowledged, but withal you may be pleased to observe, that the Title of *King* is not onely by an original common consent, but that consent also approved & confirmed, & the Law fitted thereunto, and that fitted to the Lawes, by the experience and industry of many ages, and many hundreds of years together; whereas any other Title will be onely by present common consent, without that experience and

and approbation for that experience which your Highness mentioned to have been of other Titles, and the due administration of Justice under them, this experience is farre short of the other, and for the course of Justice, we have cause to thank that care which placed so good Judges and Officers over us; yet give me leave to say, that in private causes between party and party and in publick matters, in nominall causes, it was not easie to finde justice to be done by some Jurors: and many questions have risen upon the occasions of those new Titles, concerning that tender point of good mens satisfaction: I think it requires a very great regard from us, and I doubt not but those good people will be fully satisfied, if they consider the covenants, promises, and precepts, which in the Scripture are annexed to the name of *King*; and although some have alledged, that they belong to any chiefe Magistrate as well as to *King*: yet no man did ever read the Original word translated otherwise then *King*; neither do I find the present Title once mentioned in the holy Text; if the present authority be a lawfull authority, which I hope none of us will deny, surely those good men, who are so well principled in godlinesse, will not forget that precept of submission to authority, and to be satisfied with that which lawfull authority shall ordain. Their Rights and Liberties are the same with ours, and the Parliament cannot advise any thing for the preservation of the peoples Rights, but these good men are included, which I hope will be no dissatisfaction to them in all the changes which we have seen: there hath been a dissatisfaction to some, yet still the blessing of God hath gone along through all these changes, with those who carried on his interest, and the cause being the same, the same mercies have been continued, and I doubt not but if the in-

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tended change, or rather restitution be made, as I hope it will, I doubt not but [the same God will continue his blessings to that good old cause, wherein we are engaged; and that good men receive satisfaction by it. Your Highnesse hath been told that the Title of *King* is upon the foundation of Law, and that a new Title must have a constitution to make the laws relate unto it, and that unto the Laws. I shall only adde this, that a Title by relation is not so certain and safe, as a title upon the old foundation of the Law, and that a Title upon a present single constitution, as any new Title must be, cannot be so firm, as a Title both upon the present constitution and upon the old foundation of the Law likewise, which the Title of *King* will be; if any inconvenience should ensue upon your acceptance of this Title which the Parliament adviseth, your Highnesse satisfaction will be, that they did advise it.

On the contrary part, if inconveniency should arise upon your Highnesses refusall of this Title which the Parliament hath advised, your burden will be the greater. And therefore whatsoever may fall out may be better answered by your Highnesse complying with your Parliament, then otherwise. This question is not altogether new, some instances have been given of the like, to which I shall adde two or three. The *Titles* of the *Kings of England*, in the Realm of *Ireland*, was *Lord of Ireland*. And the Parliament in the 33 year of *Hen. 8.* reciting that inconveniences did arise there by reason of that Title, did enact that *Hen. 8.* should assume the *Stile and Title of King of Ireland*, which in the judgment of this Parliament was preferred before the other. In the State of *Rome*, new Titles proved fatall to their liberties.

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Their case was not much unlike ours, they were wearied with a civil War, and coming to a settlement, *Cuncta discordiis civilibus fessa nomine principis, sub imperium accepit*, some would not admit the Title *Rex* to be used, but were contented to give the titles of *Cæsar, perpetuus Dictator, Princeps, Senatus, Imperator. Non sum Rex sed Cæsar*, came at last to this, *Voluntas Cæsaris pro lege habebatur*, the Northern people were more happy amongst themselves; a private Gentleman of a noble Family took up arms with his Countrymen against a Tyrant, & by the blessing of God rescued their native Liberties, & rights of their Country from the oppression of that Tyrant. This Gentleman had the Title of *Marshall* given unto him, which continued for some years. Afterward their Parliament, judging it best to resume the old title, elected this Gentleman to be their *King*, & with him was brought in the Liberty of Protestant religion, & the establishment of the civil rights of that people, which have continued in a prosperous condition ever since unto this day. Sir I shall make no other application but in my prayers to God to direct your Highness and the parliament (as I hope he will) to doe that which will be most for his honour and the good of his people.

*The Lord Protectors Speech.*

April 26. 1657.

I Have as well as I could considered the Arguments used by you the other day, to inforce the conclusion that refers to the name, and title that was the subject matter of the debates, and conferences that have been between us, I shall not now spend your time, nor my own much in repeating those Arguments, and in giving an-

answers to them, although (indeed) I think they are but the same that they were formerly, onely there were some additional inforcements of those arguments by new instances, I think truly after the rate of Debate, I may spend your time, which I know is very precious, and unlesse I were a satisfied person: the time would spinne out and be very unprofitably spent, so it would; I onely must say a word or two to that, that I think was new. What comes from the Parliament in the exercise of the Legislative power, which is this, I understand it to be an exercise of the Legislative power, and the Laws were alwaies formerly past this way. and that of Bills was of a newer date; I understand that, I say, but it is said that was, is done by the Parliament now, and simply hangs upon their Legislative, seems to be a thing that is *ex dono*, not *de jure*, not a thing that is of so good weight, and so strong, as what referres from them to the Law that is already in being: I confesse there is some argument in that that is there, but if the strength will be as good without it, though it comes as a gift from you, I mean as a thing that you provide for them, or else it will never come at home, so in a sence it comes from you, it is that, that they otherwise come by, therefore in a sence it is *ex dono*, for that helps a man to what he cannot otherwise come by, he doth an Act that is very near a gift, and you helping them to it, it is in a kind a gift to them; otherwise they could not have it, but if you do it simply by your Legislative power, the question is not what makes this more firm, whether the manner of the settling of it, or the manner of your doing of it, its alwaies as great a labour; but yet the question lies in the acception of them, who are concerned to yeild obedience and accept this, and therefore if a thing that hath for its root and foundation but your legislative



in an act of yours, if I may put a but to it, I do not do so, for I say it is as good a foundation, as that other is; and if it be as well accepted, and that the other be lesse then truly it is, I should think the better, and then all that, I say, that is founded upon the law : I say all those arguments that are founded in the law are for it, because it hath been said, it doth agree with the law, the law knows the office, the law knows the people knows it, and the people are likelier to receive satisfaction that way; those have been arguments that have been already; and truly I know nothing that I have to adde to them, and therefore I say also those arguments may stand as we found them, and left them already; onely this I think truly, as it hath been said to me, I am a person that have done that that never any that were actually King of *England* refused: the advice of the Parliament I confesse that runnes to all, and that may be accounted a very great fault in me, and may arise up in judgement against me another time, if my case be not different from any mans that was in the chief command, and government of these Nations that ever was before, & truly I think it is they that have been in, and owned to in the right of the law, as inheritours coming to it by Birth right, or otherwise by the authority of Parliament, who yet have had some specious pretence of Title, or claim to it. I think (under favour) I deserve lesse blame then an other doth, if I cannot so well comply with the Title, with the desires of the Parliament in it, as others do, for they that are in, would take it for an injury to be out it; truly these arguments are very strong to them, why they should not refuse that, that is tendred to them by the Parliament: but I have dealt plainly with you, and I have not complemented with you, I have not de-

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fired, I have no Title to the Government of these Nations, but what was taken up in a case of necessity, and temporary, to supply the present immergency, without which we must needs, I say we had been all after the rate of the printed book, and after the rate of those men, that have been taken, going into Arms, if it had not been taken; it was as visible to me as the day, if I had not undertaken it, and so it being put upon me, I being then General, as I was General by Act of Parliament, being upon me to take power in my hand, after the Assembling of men that was called together had been dissolved. Really the thing would have issued it self in this Book, for as I am informed the Book knows an Author; it was a leading principle person in that Assembly, when now I say, I speake in the plainnesse and simplicity of my heart, as before Almighty God, I did out of necessity undertake that, that no man I think would have undertaken but my self, it hath pleased God that I have been Instrumentall to keep the peace of the Nation to this day, and to keep it under a Title that some saies signifies but a keeping it to anothers use, to a better use, that may improve it to a better use, and this I may say, I have not desired the continuance of my power or place, either under one Title or other, that have I not I say it, if the wisdom of the Parliament, could find where to place things so as they might save this Nation, and the interests of it; the interest of the people of God in the first place, of those Godly honest men, for such a Character I reckon them by and live in the fear of God and desire to hold forth the excellency and Christian course in their life and conversation; I reckon that proceeds from faith, & looking to the duties towards Christians, and

to the humanity of men as men, and to such liberties and interests: as the people of this Nation are of; and looke upon that as a standing truth of the Gospel, and who lives up to that, according to that, is a godly man in my apprehension; and therefore, I say, if the wisdom of the Parliament, I speak not this vainly nor like a foole, but as to God; and if the wisdom of this Parliament, should have found a way to settle the interest of this Nation, upon the foundations of Justice and truth, and liberty, to the people of God, and concerns of men as English men, I would have layn at their feet, or any bodies feet else, that this might have run in such a currant, and therefore I say I have no pretensions to things for my self, or to aske this or that, or to avoid this or that; I know the censures of the world may quickly pass upon me, but I thank God I know not where to lay the weight that is laid upon me; I meane the weight of reproach and contempt and scorn, that hath been cast upon me. I have not offered you any name in competition of *Kingship*. I know the evil spirits of men may easily obtrude upon a man, that he would have a name that the law knows not, and that is boundlesse, and is that under which a man exercises, more arbitrarinesse; but I know this is nothing in that argument, and if it were in your thoughts to do any of that kind, I think whatsoever it was, it would bound it, and limit it sufficiently: I wish it were come to that, that no favour should be shewed to me, but that the good of these Nations might be consulted, as I am confident they will be by you in whatsoever you do; but I may say this in an answer to that, that doth a little pinch upon me, and the more when I am told it was my duty. I think it can be no mans duty, nor obligation, but between God and himselfe, if he be conscious of his own infirmities, disabilities, and weak-

weaknesses; and that he is not able perhaps to encounter with, ( although he may have a little faith too, for a little exercise ) I say I do not know which way it can be imputed to me for a fault, or laid upon me as a duty, except I meant to gripe at the Government of the Nations without a legal consent, which I say I have done in times past, upon principles of necessity, and I promise, I shall think whatever is done without authority of Parliament, in order to Settlement, will neither be very honest, nor yet that that I understand. I think we have fought for the Liberties of the Nation, as well as for other interests: you will pardon me, that I speak these things in such a way as this is, I may be born withall, because I have not truly well born the exercise that hath been upon me now these three or four dayes, I have not I say, I have told you my thoughts, and have laid them before you, you have been pleased to give me your grounds, and I have told you mine; and truly I doe purposely refuse to mention those arguments were used when you were last here, but rather tell you, what since I tell you lies upon my heart out of the abundance of difficulty, and trouble that lies upon me, and therefore you having urged me, I mean offered reasons to me, and urged me with such grounds as did occurre to you, and having told you the last time I met you, that the satisfaction of them did not reach to me, so as wholly to convince my judgement of what was my duty: I have thought rather to answer you with telling you my grieffe, and the trouble I am under; and truly, my intentions and purposes they are honest to the Nation, and shall be by the grace of God; and I cannot tell how upon collaterall pretences

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to cut towards things that will be destructive to the Liberties of this Nation: any man may give me leave to dye, and every body may give me leave to be as a dead man, when God takes away the Spirit, and Life, and activity that is necessary for the carrying on such a work; and therefore I do leave the former Debates as they were, and we had them, letting you know that I have looked a little upon the paper, the Instrument, I would say in the other parts of it, and considering that there are very many particulars in the instrument, some of the general, of reference, others specified, and all of weight, (let the Title be what it will be) of weight to the concernment of the Nations. I think I may desire that those may be such as what they be applyed to, either one thing or another, they might be such as the people have no cause, as I am confident your care and faithfulness needs neither a spur, nor any admonition to that: I say (reading in your order, by order of Parliament for the Committee) that there are divers particulars that are, that if I do make any scruple of them, I should have the freedom with this Committee to cast my doubts; the truth of it is, I have a paper here in my hand, that doth contain divers things, with relation to the instrument, that I hope have a publick aspect with them, therefore I cannot presume but they will be very welcome to you, therefore I shall desire that you will read them. I should desire if it please you, that liberty (which I submit to your judgement, whether you think I have it or no) that I might tender these few things, and some others that I have in preparation, -- and truly I shall reduce them to as much brevity as I can; they are too large here, and  
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if it please you to morrow in the afternoon at three of the clock I may meet you again, and I hope we shall come to know one anothers mindes, and shall agree to that ; that shall be to the glory of God, and the good of these Nations.

*The Lord Protector, April 21. 1657.*

*My Lord,*

**I** Think you may well remember what the issue was of the last conference I had with you, and what the Stick was then, I confesse I took occasion from the order of Parliament, in which they gave you power to speak with me, about these things that were in the body of that instrument & desire, which you have been pleased to speak with me ; but that I might conferre with you about those particulars, and might receive satisfaction from you as to them, whether a good issue will be to all these affairs or no, is onely in the hands of God, that's a great secret, and secrets belong to God, and things revealed to us, and such things are the subject matter of this instrument of yours, and are, as farre as they may have relation to me, that you and I may consider, what may be for publick good, that so they may receive such an impression as can humanely be given to them. I should be well understood, and that I say the former debates and conferences have been upon the title, and that rests as it did, seeing that as I said before, your order of Commitment, doth as well reach to the particulars contained in the instrument, as to that of the *Title*, I did offer to you that I should desire to speak with you about them also, that so we may come to under-

standing one with another, not what the thing is in parts, but what it is in the whole conduceable to that end, that we ought to aime at, which is a generall settlement upon good foundation; as truly, as I have often said even to the Parliament it self, when they had the honour to me, to meet me in the Banqueting-house, so must I say to you, that are a Committee, a very considerable representation of them, that I am hugely taken with the word settlement, with the thing and with the notion of it, I think he is not worthy to live in *England* that is not; no, I will doe my part so farre as I am able, to expell that man out of the Nation, that doth not of that in the Generall to come to a settlement, because indeed it is the great misery and unhappinesse of a Nation to be without it; and it is like a house, and so much worse then a house divided against it self, it cannot stand without settlement; and therefore I hope we are all so farre at a good point, and the spirit of the Nation, I hope in the generality of it, is so farre at a good point, we are all contending for a settlement, that's sure; but the question is *de modo*, and of those things that will make it a good one if it were possible: that's no fault to aim at perfection in settlement, truly I have said, and I say it again, that I think that that tends to the making of the Nation, to enjoy the things we have declared for, and I would come upon that issue with all men or any man; the things we have declared, that have been the ground of our quarrelling and fighting all along, is that will accomplish the generall work, settlement is the generall work, now that which will give the Nation to enjoy their civil and Religious liberties. that will conserve the liberty of every man, and not to rob any man of what is justly his, I think those two things make up settlement;

I am sure they acquit us before God and man, who have endeavoured as we have done, through some streamings of blood to attain that end, if I may tell you my experiences in this businesse, and offend no good man that Loves the publick before that which is personall, truly I shall a little shortly recapitulate to you what my observations, and indeavours and interest hath been to this end, and I hope no man that hath been interrested in transactions all a long, will blame me if I speak a little plainly, and he shall have no cause to blame me because I will take my self into the number of culpable persons; if there be any such, though perhaps apt enough out of the self love I have, to be willing to be innocent, where I am so, and yet to be as willing to take my reproach, if any body will lay it upon me where I am culpable; & truly I have through the providence of God, endeavoured to discharge a poor duty, having had as I conceive a clear call to the station I have acted in all these affairs, and I believe very many are sufficiently satisfied in that, I shall not go about to say any thing to clear it to you, but must exercise my self in a little short Chronology to come; to that I say is really all our business at this time, and the business of this Nation to come upon clear grounds; and to consider the providence of God, how they have led us hither unto. After it pleased God to put an end to the war of this Nation, a finall end which was done at *Worster* in the determination and decession that was there by the hand of God, for other war we have had none, that perhaps deserves the name of war, since that time, which is now six years in September, I came up to the Parliament that then was, and truly I found the Parliament, as I thought very disposed, to put a good issue to all those transactions that had been in the Nation, and I rejoiced at it, and thought I had not been well skilled in Parliamen-



mentary affairs, having been neer ten years in the field, yet in my poor measure my desires did tend to some issue, believing verily that all the blood that had been shed, and all the distemper that God had suffered to be amongst us, and in some sence God hath raised amongst us, that surely fighting was not the end, but the means that had an end, and was in order to somewhat; truly it was then, I thought settlement that is that men might come to some consistancies, & to that end I did endeavour to adde my mite, which was no more then the interests of any one Member that was there, after I was returned again to that capacity, and I did, 'I shall tell you no fable, but the things that divers persons here can tell, whether I say true or no: I did indeavour it, I would make the best interpretation of this, but yet this is truth, and nothing of discovery on my part, but that which every body knows to be true, that the Parliament having done these memorable things, that they had done things of honour, and things of necessity, things that if at this day you have any judgement, that there lyeth a possibility upon you to do any good, to bring this Nation to any foot of settlement, I may say you are all along beholding to them in a good measure, but truly as men that contend for publick interest are not like to have the applause of all men, nor justification from all hands; so it was with them, and truly when they had made preparation that might lead to the issuing in some good for the settlement of these Nations in point of Liberty and freedom, from Tyranny and Oppression, from the hazard of our Religion, to throw it away upon me that designed by innovations to introduce Popery, and by complying with some Nations introduce arbitrariness upon a evil account, why they had more enemies then friends, they had so all along, and this made them

them careful out of principals of nature, that doe sometimes suggest best, and upon the most undeniable grounds; they did think that it was not fit for them presently to goe and throw themselves, and all this cause into hands that perhaps had no heart nor principle with them to accomplish the end that they aimed at, I say perhaps through infirmity, they did desire to have continued themselves and to have perpetuated themselves upon that Act which was perhaps justly enough obtained, and necessarily enough obtained, when they did get it from the *King*, though truly it was good in the first obtaining of it, yet it was by most men, who had ventured their lives in this cause; judged not fit to be perpetuated, but rather a thing that was to have an end, when it had finished it's course, which was certainly the true way of it; in the subserviency to the bringing in, that which might be a good and honest settlement to the Nation; I must say to you that I found them very willing to perpetuate themselves, and truly this is not a thing of reflection upon all, for perhaps some were not so, I can say so of some of them, the sober men that I had converse with, they would not have, but I think the major part did over rule, in that they would have continued; this is true that I say to you, I was intreated to it, and advised to it, and was by this *Medium* to have accomplished it, that is, to have sent into the Country to have reinforced their number, and by new Elections to have filled them up, and this excuse it had, it would not be against the Liberty of the people, nor against the succession of men to come into rule and Government, because as men dyed out of the house so they should be supplied, and this was the best answer could be given to that objection that was then, made

made, that the best way to govern, is to have men successive, and in such great bodies as Parliaments, to have men to learn to know, how to obey as well as to govern, & truly the best expedient that we had then was, that I tell you, the truth of it is, this did not satisfy a company of poor men, that had thought they had returned their lives, and had some thoughts, that they had a little interest to enquire after these things, and the rather because really they were invited out, upon principles of honesty, conscience and religion, for spiritual liberties, as many as would come, where the cause was a little doubtful, there was a declaration that was very inviting, and men did come in upon that invitation, & did thereby think themselves not to be mercenary men, but men that had wives and children in the Nation, and therefore might a little look after a satisfaction in what would be the issue of the business, and when this thing was thus prest, and it may be over prest, that a period might be put, and that, that might be ascertained, and a time fixt, why truly, then the extremity ran another way, this is very true that I tell you, though it shame me, I do not say it shames all that were of the House, for I know all were not of that mind, why truly when this was urged, then another extremity; what was that? why truly then it was seeing a Parliament might not be perpetual, the Parliament might alwaies be sitting, & that end was, there a bill framed, that Parliaments might be alwaies sitting, that as soon as one Parliament went out of their place, another might leap in, & when we saw this; truly we thought we did but make a chance in pretence, and did not remedy the thing, and thereupon that was pursued with that great heat, I dare say there was more progress in it in a month, then was with the like business in four, to hasten it to an issue; that such a Parliament might be brought in, and would  
bring

bring the state of the Nation into a continuall sitting of Parliaments:we did think,who are plain men,& I think it still, that that hath been according to the foolish proverb, out of the frying pan into the fire, for looking at the Government, they would then have, it was Commonwealths Government,why?we should have had fine work then,we should have had a Council of State, and a Parliament of 400 men,executing arbitrary government without intermission saving of one company, one parliament stepping into the seat of another, while they left them warm,the same day that one left,the other was to leap in, truly I did think, and I do think, however some are very much enamoured with that kind of Government,why it was no more but this, that Committees of Parliament should take upon them,& be in stead of the Courts of Westminster, perhaps some will think there had been no hurt in that arbitrariness in Committees, where a man can neither come to prove nor defend, nor to know his Judges, because there are one sort of men that Judge him to day, and another sort of men to morrow, this should have been the Law of England, & this should have been the way of judging this Nation,and truly I thought that,that was an ill way of judging, for I may say to you with truth to that,after it pleased God your poor Army those poor contemptable men came up hither,it was so,an outcry here in this place to see a cause here, determined and judged, and Committees erected to fetch men from the extreamest parts of the Nation to *London* to attend the Committees to determin all things,& without any manner of satisfaction,whether a man travil never so right,or wrong he must come, and he must go back again as wise as he came, this truly was the case and our condition, and truly I must needs say, take all in that was in the practices, I am sorry to tell the story of it, though there was indeed

indeed some necessity of business, a necessity of some Committees to look to indemnity, but no necessity of Committees instead of Courts of Justice, but it was so & this was the case of the people of *England* at that time & that the Parliament assuming to it selfe the authority of the three estates that were before, it was so assuming that authority, & if any man would have done and said what are the rules you judge by, why we have none but we are supream in legislature, & in judicature, this was the state of the case, & I thought, & we thought, & I think so still, that this was a pittiful remedy, and it will be so while & whensoever a legislature is perpetually exercised, when the legislative & and the executive powers are alwaies the same, & truly I think the legislature, would be almost as well in the four Courts of Westminster-Hall and if they could make Laws and Judges too, you would have excellent Laws, and the lawyers would be able to give excellent counsell, and so it was then: this was our condition without scruple and doubt, and shall say no more to it, but truly it was offered then truly, and honestly, and desired, and begged that we might have a settlement, and that now is here that is proposed a settlement: it was desired then, it was offered & desired that the Parliament would be pleased either of their own number, or any else to chuse a certain number of men to settle the nation, this is unsettlement, this is confusion: for give me leave if any body now have the face to say, and I would dye upon this, if any man in *England* have the impudence or the face to say, that the exceptions of the parliament was the fear of their hasty throwing of the liberties of the people of God, and the Nation into a bare representative of the people, which was then the business we opposed, if any man have the face to say it now, that did then, or I will say more, ought then to judge it had been a confounding of the whole

whole cause, that we had fought for, which was, I would look upon that mans face, I would be glad to see such a man, I doe not say there is any such here, but if any such should come to me, see if I would not look upon him and tell him he is an hypocrite. I dare say it, and I dare to dye for it, knowing the spirit that hath been in some men to me, they come and tell me they do not like my being *Protector*. Why do you not, why? because you will exercise arbitrary Government, why what would you have me to do, pray turn Gentlemen all a-gain, and we will like you exceeding well, I was a child in it's swadlings clouts, I cannot transgresse by the Government, I can do nothing but in ordination with the counsell; they feared arbitrary Government by me upon that account, but if returned to be General, then they were not affraid of Arbitrary Government: such as these are, such hipocrisies as these are, should they enter into the heart of any man that hath any truth or honesty in him, and truly that is our case, and finding our case to be thus, we did press the Parliament as I told you, that they would be pleased to select some worthy persons, that had loved this cause & the liberties of *England*, & the interest of it; & we told them, we would acquiesce & lye at their feet, but to be thrown into Parliaments, that should sit perpetually, though but for three years they had the experience of.

The experience of which many remain to this day to give satisfaction to honest and sober men, why truly we thought it might satisfie but, it did not, and thereupon we did think that it was the greatest of dangers, to be overwhelmed and brought under a slavery by our own consent, and iniquity to become a law: and there was our ground we acted upon at that time, and truly they had perfected the bill for perpetuating of Parliaments to the last clause, and were resolved to passe

passe it as a bill in paper, rather then comply with any  
 expedient, if your own experience adde any thing to  
 you in this, in this point, whether or no in cases civil  
 and criminal; if a Parliament should assume an abso-  
 lute power, without any controule, to determine the in-  
 terests of men in property, & liberty, whether or no this  
 be desirable in a Nation: if you have any sence, as I be-  
 lieve you have, you have more then I have. I believe  
 you will take it for a mercy that, that did not befall  
*England* at that time, and that's all I will say of it, truly  
 I will now come and tell you a story of my own weak-  
 nesse and folly, and yet it was done in my simplicity,  
 I dare a vow it was, and though some of my compa-  
 nions and truly this is a story, that would not be re-  
 corded a story, that would not be told, but when good  
 use may be made of it. I say it was thought then, that  
 men of your judgement, that had fought in the wars, &  
 were all of a piece upon that account, why surely these  
 men hit it, and them men will do it to the purpose  
 whatever can be desired, truly we did think, and I did  
 think so, the more to blame of, and such a company  
 of men were chose and did proceed in action, & tru-  
 ly this was the naked truth, that the issue was not an-  
 swerable to the simplicity and honesty of the designe,  
 what the issue of that meeting would have been, and  
 was feared, upon which the sober man of that meeting  
 did withdraw, and came and returned my power as far  
 as they could, they did actually the greater part of  
 them into my own hands, professing and believing  
 that the issue of that meeting would have been the sub-  
 version of your Laws, and of all the liberties of this Na-  
 tion, the destruction of the Ministers of this Nation. In  
 a word, the confusion of all things and instead of order,  
 to set up the judicial Law of *Moses*, in abrogation of  
 all our administrations, to have been administred the  
 Judi-

Judicial Law of *Moses, pro his & nunc*, according to the wisdom of any man that would have interpreted the Text, this way or that way, and if you do not believe that they were sent home by the major part, who were judicious and sober and learned, the worst upon this account and with my consent also *à parte post*. You will believe nothing, for the persons that lead in the meeting where Mr. Feake and his meeting in Blackfryers, Major Generall Harrison, and those that associated with him at one Mr. Squibbs House, and there were all the resolutions taken that were acted in that House day by day; and this was so *de facto*, I know it to be true, and that this must be the product of it, I do but appeal to that Book, I told you of the other day, that all Magistracy & Ministry is Antichristian, & therefore all these things ought to be abolished, which we are certain must have been the issue of that meeting, so that you have been delivered if I think right, from two evils; the one evil a secular evil, that would have swallowed up all religious and civil interest, and made us under the horriddest arbitrariness that ever was exercised in the world, that we might have had five or six hundred friends, with their friends to have had a judgement of all causes, and to have judged without a rule, thinking that the power that swallowed up all the other lawfull powers in the Nation, hath all the power that ever they had, both a legislative and judicarie, I say that which swallows both the Civil and Religious interest. And the other meerly under a spirituall interest, had swallowed up again in another extreme, all our Civil and Religious interest and had made our Ministry, and all the things we are beholding to God for: truly, we think we ought to value this interest, above all interests in the world, but if this latter had not been as sure destroyed as the former, I understand nothing,



and having told you these two things, truly I must needs say, it makes me in love with this Paper, and with all things in it, and with these additions, that I have to tender to you, and with settlement above all things in the world, except that where I left you the last time, and for that I think we have debated: I have heard your mind, and you have heard mine, I have told you my heart and my judgement, and the Lord bring forth his own issue, I think we are now to consider not what we are on the foot, and of the Government that called this Parliament, which till there be an end put to it, is that that hath existence, and I shall say nothing to that, if that accomplisheth the end of our fighting, and all those blessed and good ends that we should aim at, if it do, I would we might have that, and remain where we are, if it doth not, I would we might have that which is better, which truly I now come out of my self to tell you, that as to the substance and body of your instrument I do look upon it as having things in it (if I may speak freely and plainly) I may, and we all may, I say the things that are provided for in this Government have the Liberties of the people of God, so as they never had it, and he must be a pittifull man that thinks the people of God ever had that Liberty, either *De facto*, or *de jure*, that is to say, *de jure*, from God; I think they have had it from the beginning of the world to this day, and have it still asserted by a *jus humanum*; I say they never had it so, as they have it now, and I think you have provided for the liberty of the people of God & of the Nation, and I say he sings sweetly that sings a Song of reconciliation betwixt these two interests, and it is a pittifull fancy, and wisdom, and ignorance to think they are inconsistent, and may consist, and I speak my conscience in  
this

this Government , I think you have made to consist ; and therefore I must say in that and in other things you have provided well , that you have ; and because I see the root of the Parliament gives you leave to speak with me about the particulars ; I think the Parliament doth think , that any member they have is not to be neglected in offering of any thing that may be of additionall good , and upon that accompt I having a little surveyed the instrument , I have a paper here to offer to you upon that accompt , and truly I must needs say and think , that in such a case as this where so new a work , and so strange a work as this that is before you , it will not be thought ill of. I doe with a little earnestnesse presse to you some explanations in some that may help to contemplate , and leave me ; for it is onelie handled with me , this transaction is onely handled with me at this time which you and the Parliament , whom you represent. I say I would be glad that you might leave me and all opposers without excuse , as well as that I could wish that you should settle this Nation to the uttermost good of it , in all things I have to offer to you , they are not verie weightie , they may tend to the complexion of the businesse , and therefore I shall take the freedome to read them to you.

In the fourth Article and second Paragraph you have something under that head that respects the calling of Members to Parliament , you would not exclude those that (were under Duke *Hamilton*) made that Invasion , because it hath been said to you perhaps , that if you exclude all , you shall have no Members from *Scotland* , I hope there be persons of that Nation , that will be ready to give a better testimony of their Country then to admit of that argument , and I hope

it is none, but if it be one, then trulie to meet with the least upon that certaintie of the qualifications, you should indeed exclude men of your own Country perhaps upon better crimes, and hold them of upon stricter Characters; it is thought that that qualification, that saith, that the testimonie that they shall have, *that they are men that have given good testimony in their peaceable and quiet living*, why trulie for divers years, they have not been willing to doe other, they have not had an easie possibility to doe otherwise, to live unequally, though perhaps have been the same men manie of them; though I know manie of them are good men, worthie men, and therefore whether it be not fit, in that place to explain somewhat else, and put some other Character upon it, that may be accounted a good testimonie, of other being, otherwise minded, and of their being of another judgement, I confess I have not anie thing here to supplie it with, but certainly if it should be so, as it is in your article, though they be never so indisposed and enemies and remain so, yet if they have lived peaceably, where they could neither will nor chuse, they are to be admitted; I onelie tell you so, being without anie amendment for it, and when I have done I shall offer the whole to you, this is the second Paragraph.

In the third Paragraph of the same Article, whereas it is said that the persons in *Ireland be made incapable, to elect or be elected, that before the first of March 1649. haue borne Armes for the Parliament, or otherwise given testimony of their good affections, and continued faithfull to the Parliament, and are since revolted*, whether it be not necessarie that it be more clearly exprest, it seeming to capacitate all those who have revolted from the Parliament, if they have bore armes for the State before

before the first of March 1649. it seems to restore them, but if since then they have revolted, as manie I doubt of our *English Irish* have done, why then the question is, whether these men, who have lately been angry, and fled to armes, whether you will think their having borne armes formerly on the Parliaments side, should be an exemption to them, that is but tendered to you that some worthy person here will give an answer unto.

In the fifth Paragraph of the same Article you have incapacitated publick Preachers, from sitting in Parliament, and trulie I think that your intention is such as have pastorall function, such as are actually and reall Ministers, for I must say to you in the behalf of our Armie, in their next place to their fighting, they have been verie good Preachers, and I should be sorry they should be excluded from serving the Commonwealth, because they have been accustomed to preach to their Troops, Companies, and Regiments, which I think have been one of the best blessings upon them, to the carrying on of the great work. I think you doe not mean so, but I tender it to you, that if you think fit there may be a consideration had of it; there may be some of us, it may be, that have been a little guilty of that, that would be loath to be excluded from sitting in Parliament. In the same Paragraph there is care taken for the nominating Commissioners to try the Members which are chosen to sit in Parliament, and trulie those Commissioners are uncertain persons, and it is hard to say what may happen, I hope they will be alwaies good men, but if they should be bad, then perhaps they will keep out good men: besides we think, trulie if you will give us leave to help, as to the

freedome of the Parliament , it will be something that will goe rather harshly down , then otherwise , verie manie reasons might be given , but I doe but tender it to you , I think if there be no Commissi-  
 oners , it would be never a whit the worse , but if you make qualifications , if anie man will presume to sit without those qualifications you may deal without them ; A man without qualifications sitting there , is as if he be not chose , and if he sit without being chosen and so without a qualification , I am sure the old custome was to send him to the Tower , to imprison such a one , if anie one sit there , that have not right to sit there , if anie stranger come in upon his pretended Title of election , then perhaps it was a different case , if anie sit thereupon pretence of a qualification upon him , you may send him to prison without anie more adoe ; whether you think fit to do so or no , it is Parliamentary business , I doe but hint to you , I believe if anie man had sat in former Parliaments , that had not taken the oathes prescribed , it would have been a fault enough , &c. I believe something of that kind , would be equivalent to anie other way , if not better. In that Article which I think is the fifth Article , which concerns the nomination of the other House , in the beginning of that Article , it is that the House is to be nominated as you designe it , and the approbation is to be from this House , I would say to be from the Parliament , it is so ; but then now , if anie shall be subsequently named after this House is sat , upon anie accidentall removall or death , you doe not say , though it seems to refer to the same that the first election doth , yet it doth not refer clearly to this ; that the nomination

tion shall be, where it was in the chief Officer, and the approbation of the other House, if I do expresse it clearly that you will pardon me in, but I think that is the aim of it, it is not clearly exprest there as I think you will be able to judge whether it be or no.

In the 7. Article that which concerns the revenue, that is the revenue that you have appointed to the Government, which you have distributed 300000 l. of it to the maintenance of the civil authority 100000 l. to be distributed to the maintenance of your Forces by Sea and Land, you have indeed said it in your instruments, and we cannot doubt of it, but yet you have not made it certain, nor yet those temporary supplies which are intended for the peace and safety of the Nations. It is desired that you will take it into your thoughts, and make both those certain, both as to the summe and time, that those supplies shall be continued, and truly I hope I do not curry favour with you, but it is desired, and I may very reasonably desire it, that these monies whatever they are, that they may not if God shall bring me to any interest in this businesse, which lyeth in his own power, that these moneys may not be issued out, by the authority of the chief Magistrate, but by the advice of his Councel, seeing you have in your instrument made a coordination in generall termes, that this might be a reserved thing, that the moneys might not be distributed, it will be a safety to whomsoever is your supreme Magistrate, as well as security to the publick, that the monyes might be issued out by the advice of the Councell, and that the Treasurers that receive this money, may be ac-

countable every Parliament, within a certain time limited by your selves every new Parliament the Treasurer may be accountable to the Parliament for the disposing of the Treasury, and there is mention made of the judges in the 9. Article. It is mentioned that the Officers of State, and the judges are to be chosen by the approbation of the Parliament. if there be no Parliament sitting, if there be never so great a losse of judges it cannot be supplied, and whether you do not intend, that it should be by the choice with the consent of the Counsell in the intervals of Parliament to be afterwards approved by Parliament.

The 13. Article relates to severall qualifications, that persons must be qualified with, that are put into places of publick office and trust, now if men shall step into publick places and trust, that are not so qualified they may execute it, an office of trust is a very large word, it goeth to almost a Constable, if not altogether, it goeth far. now if any shall come that are not so qualified, they certainly do commit a breach upon your rule, and whether you will not think in this case, that if any shall take upon them an office of trust, that a penalty shall be put upon them where he is excepted, by the generall rule whether you will not think it fitting that respect to deterre men from accepting of offices and places of trust contrary to that Article; the next is fetcht in some respects I may say by head & shoulders in your instrument, yet in some respects it hath affinity with it, I may say I think is within your order upon this account, I am sure of it, there is a mention in the last part of your instrument, of our purpose to do many good things, I am confident not like the Gentlemen that made his last will, and set down

a great number of the names of men, that should receive benefit by him, and there was no sum at the latter end, I am confident you are resolved to deal effectually in the thing at the latter end, and I should wrong my own confidence, if I should think otherwise: I hope you will think sincerely as before God, that the laws may be regulated, I hope you will. We have been often talking of them, and I remembred well at the old Parliament, that we were three months, and could not get over the word incumbrances, and then we thought there was little hope of regulating of the law, when there was such a difficulty as that, but surely the laws need be regulated, and I must needs say, I think it is a Sacrifice acceptable to God upon many accounts; and I am perswaded, it is one thing that God looks for and would have. I confesse, if any man would ask me, why, how would you have it done? I confesse I do not know how, but I think verily at the least, the delayes in suites, and the excessivenesse in fees, and the costlinesse of suites, and those various things, that I do not know what names they bear, I heard talk of demurrers, and such like things which I scarce know; but I say certainly, that the people are greatly suffering in this respect, they are so; and truely, if all this whole businesse of settlement, whatsoever the issue of it shall be, it comes, as I am perswaded that it doth, as a thing that would please God by a Sacrifice in, or rather as an expression of our thankfulnesse to God: I am perswaded that this will be one thing that will be upon your hearts, to do something that is honourable and effectual in it, that truely I say, that it is not in your instrument in somewhat that relates to the reformation of manners; you will pardon me my fellow souldiers that were raised upon that just occasion of the insurrection, not onely to secure the peace of the Nation, but to see that



that persons that were least likely, to help on peace or continue it, but rather to break; dissolute and loose persons, that can go up and down from house to house, and they are Gentlemens sonnes that have nothing to live on, and cannot be supplied to live to the profit of the Commonwealth, which I think had a good courie taken with them, and I think that which was done to them was honourable, and honestly, and profitably done; and for my own part, I must needs say, it shewed the dissolutenesse which was then in the Nation, as indeed it springs most from that part of the Cavaliers, should that party run on, and no care to be taken to reform the Nation, to prevent perhaps abuses that will not fall under this consideration; we can send our children into *France*, before they know God or good manners, and return with all the licentiousnesse of that Nation; neither care taken to educate them before they go, nor to keep them in good order when they come home; indeed this makes the Nation, which not onely committing those abominable things, most inhumane things amongst us, but hardens men to justifie those things: and the Apostle saith, not onely to do wickedly themselves, but take pleasure in them that do so; and truely, if something be not done in this kind, without sparing that condition of men, without sparing mens sonnes, though they be noble mens sonnes, let them be who they will is debitoist, it is for the glory of God that nothing of outward consideration should save them in their debauchery, from a just punishment and reformation; and truely, I must needs say it, I would as much blesse God to see something done, as to that heartily, upon this account, not onely to those persons mentioned, but to all the Nation, that some course might be taken for reformation, that there might be some stop put to such a

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current of wickednesse and evil as that is ; and truly, to doe it heartily, and nobly, and worthily : the Nobility of this Nation especially, and the Gentry will have cause to blesse you, and likewise that some care might be taken, that those good lawes already made, for the punishing of vice, may be effectually put in execution. This must I needs say of our Major Generalls that doe you service, I think it was an excellent good thing, I professe I doe, and I hope you will not think it unworthy of you, that when you have seen that, though you have good against the common countrey disorders, that are every where, who is there to execute them : really, a Justice of Peace, shall from the most be wondred at, as an Owle, if he goe but one step out of the ordinary course of his fellow Justices, in the reformation of these things, and therefore I hope may represent that to you, as a thing worthy of your consideration, that something may be found out to suppress such things. I am perswaded you would glorifie God in it, as much as by any one thing you can doe, and so I think you will pardon me. I cannot tell in this Article that I am now to speak unto, whether I speak to any thing or nothing : There is a desire that the publick Revenue be not alienated, but by the consent of the Parliament, I doubt publick Revenue is like *Custodes Libertatis Angliæ*, that is a notion onely, and not to be found as I know of; but if there be any, and God blesse us in our settlement, there will be publick Revenue accruing, and whether you will subject this to any alienation without the consent of the Parliament, is that which is offered to you ; truly this thing that I have further to offer to you, it is the last in this paper, and it is a thing that is mentioned in the 16. Article, that you would have those Acts and Ordinances

that have been made since the late troubles during the time of them, that they should if they be contrary to this advice, that they should remain in such force, in such manner, as if this advice had not been given; why that that is doubted, is whether or no this will be sufficient to keep things in a settled condition, because it is but an implication, it is not determined, but you doe passe by the thing without such a foundation as will keep those people which are now in possession of Estates upon this account, that their Titles may be questioned & shaken, if that be not explained; and truly I believe you intend very fully in this business, if the words already do not suffice, that I submit to your own advisement, but there is in this a verie great consideration; there hath been since the Government severall Acts, and ordinances, that have been made by the exercise of that legislative power, that was exercised since we undertook this Government, and I think your instrument speaks a little more faintly to these, and dubiously then to the other; and truly I will not make Apologie for any thing, but surely two persons, two sorts of men will be meerly concern'd upon this account; that is, they that are exercised, and the persons who are the objects of that exercise, it dissettles them wholly, if you be not clear in your expressions in this businesse, it will disettle us very much to think that the Parliament, that doth not approve well of what hath been done upon a true ground of necessitie, as farre as it hath saved this Nation from running into totall arbitrarinesse, or subject it to any sort of men that would perhaps doe so. We think we have in that thing deserved well of the State, if any man will ask me, but ah Sir, what have you done since? why ah, as I will confesse my fault where I am guilty, so I think taking the things as they were, I think we did the Commonwealth service, and we have in that made great  
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settlements; that have we, we have settled almost all the whole affairs in *Ireland*, the rights and interests of the souldiers there, and of the planters and adventurers; and truly we have settled very much of the businesse of the Ministry, and I could wish that that be not to secure the grave men, I wish it be not, but I must needs say, if I have any thing to rejoyce before the Lord in this world, as having done any good, or service, I can say it from my heart; and I know I say the truth, that it hath been, let any man say what he will to the contrary, he will give me leave to enjoy my own opinion in it, and conscience, and heart, & dare bear my testimony to it, there hath not been such a service to *England*, since the Christian Religion was perfect in *England* I dare be bold to say it, however here and there, there may have been passion and mistakes, and the Ministers themselves, take the generality of them, they will tell, it is besides the instructions, and we did take it upon that account, and we did not upon, to do that which we did, *virtute instituti* as a *Impe Divino*, but as a civil good, but——so we end in this thing, we know not better how to keep the Ministry good, and to augment it to goodnesse, then to put such men to be Triers; men of known integrity, and piety, Orthodox men, and faithfull, we know not how better to answer our duty to God, and the Nation, and the people of God, in that respect in doing what we did, and I dare say if the grounds upon which we went, will not justifie us, the issue, and event of it doth abundantly justifie us, God having had exceeding glory by it, in the generality of it, I am confident fourty fold; for as heretofore the men that have been admitted into the Ministry in times of Episcopacy, alas what pitifull certificates served to make a man a Minister; if any man could understand Latine, and Greek, it was as if he spake Welsh, he was sure to be admitted, which I think in those dayes went for Hebrew with a great many; but certainly the poorest thing in the world would serve turn, and a man was admitted upon such an account, I, and upon a lesse, I am sure the admission that had been to those places since, had been under this Character, as the rule that they must not admit a man, unlesse he be able to discern some of the grace of God in him, which was so put to, as that it was not foolishly or senselessly, but so far as men could Iudge according to the rules of Charity; but such a man whose good life and conversation they could have a very good testimony of four or five of the neighbour Ministers, who knew him, nor could they admit him, unlesse he could give a very good testimony of the grace of God in him; and to this I say, I must speak my conscience in it, though a great many are angry at it, all are angry at it, and how shall you please every body: then say some, noae must be admitted, except perhaps he will be baptized, this is their opinion, they will nor admit a man into a congregation, except he be so much lesse to be a Minister; the Presbyter-  
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rian he will not admit him. except he will be ordained, generally they will not go to the *Independants*; truly I think if I may not be partiall, I think if there be a freedom of judgment, it is there. Here is three sorts of Godly men that you are to take care for, and that you have provided for in your settlement; and now could you now put it to the *Presbyterians*, but you must have done it with a possibility of exclusion of all those *Antibaptists*, and of the *Independants*; and now you have put it into the way, that if a man be of any of these judgments, if he have the root of the matter of him, he may be admitted: this hath been our care and work, by some Ordinances of ours, both laying the foundations of it, and many hundreds of Ministers being in upon it, and if this be a time of settlement, then I hope it is not a time of shaking, and therefore I hope you will be pleased to settle this businesse, that you will neither shake the persons that have been poorly instrumentall, to call you to this opportunity of settling this Nation, and doing good to it; nor shake those honest mens interests that have been thus settled, considering so much good hath been wrought by them, and so I have done with the offers to you: But here is somewhat that is indeed exceedingly past my understanding, for I have as little skill in Arithmerick as I have in the Law; there is great summs, it is well if I can count them to you. The present charge of the forces both by sea and land, including the Government, will be 242689 *l.* the whole present Revenue in *England, Scotland, and Ireland*, is about 1900000 *l.* I think this was reckoned at the most, as now the Revenue stands: Why now toward this, you settle by your instrument 1300000 *l.* for the Government, and upon that account to maintain the force by sea and land, and this without land Taxe I think, and this is short of the Revenue, that now may be raised by the Government, 600000 *l.* because you see the present Government is 1900000 *l.* & the whole summe which may now be raised, comes of the present charge 542689, and although an end should be put to the *Spanish War*, yet there will be a necessity of the preservation of the Peace of the three Nations, to keep up the present established Army in *England, Scotland, and Ireland*, and also a considerable Fleet for some good time, untill it shall please God, to quiet, and compose mens minds, and bring the Nation to some better consistency, so that considering the pay of the Army, coming to upwards 1100000 *l. per annum*, and the Government 300000 *l.* it will be necessary, that for some convenient time, seeing you find things as you doe, and it is not good to think a wound healed before it be; that there should be raised over and above 1300000 *l.* the summe of 600000 *l. per annum*, which makes up the summe of 1900000 *l.* that likewise the Parliament declare how far they will carry on the *Spanish War*. and for what time, and what farther summe they will raise for the carrying

ing on the same, and for what time, and if these things be not attained, as one saith, money is the cause certainly, what ever the cause is, if money be wanting, the business will fall to the ground; & all our labour will be lost, and therefore I hope you will have a care of our undertakings.

And having received expressions from you, that we may believe, we need not offer these things to you, that these things will be cared for; & these things have all of them been made overture of to you, and are before you, and so have likewise the consideration of the debts, which truly I think are apparent, and so I have done, that I have to offer you: I think I have truly for my part, and when I shall understand where it owne me to doe further, and when I shall understand your pleasure in these things a little further, we have answered the order of Parliament, in considering and debating of these things, that were the subject matter of debate and consideration, & when you will be pleased to let me here further of your thoughts in these things, then I suppose, I shall be in a condition to discharge my self, as God shall put in my mind, and I seek not this to evade, but I speak in the fear and reverence of God and I shall plainly and clearly, I say, when you shall have been pleased among your selves to take consideration of these things, that I may hear what your thoughts are of these things, I doe not say that, as a condition to any thing, but I shall be very free, and honest, and plain, to discharge my self, of what in the whole, upon the whole may reasonably be expected from me, and God shall set me free, to answer you in.

His Highness Speech to the Parliament in the Banquetting  
House at Whitehall 8. of May 1657.

Mr. Speaker.

I Came hither to answer that, that was in your last paper to your Committee you sent to me, which was in relation to the desires which were offered to me by the House, in that they called their petition, I confess that business hath put the House, the Parliament to a great deal of trouble, & spent much time, I am very sorry that it hath cost me some, and some thoughts, and because I have been the unhappy occasion of the expence of so much time, I shall spend little of it now, I have the best I can resolved the whole business in my thoughts, and I have said so much already in testimony of the whole, that I think I shall not need to repeat any thing that I have said. I think it is a Government that the aimes of it seeks much a settling the Nation on a good foot in relation to civill rights and liberties, which are the rights of the Nation, and I hope I shall never be found to be of them that shall goe about to rob the Nation of those rights, but to serve them what I can to the attaining of them. It hath also exceeding well provided for the safety & security of honest men, in that great, naturall and religious liberty, which is liberty of  
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conscience, these are great fundamentals ; and I must bear my testimony to them (as I have and shall doe still so long as God lets me live in this world) that the intentions of the things are very honourable and honest, and the product worthy of a Parliament ; I have onely had the unhappinesse both in my conferences with your Committees, and in the best thoughts I could take to my self not to be convicted of the necessity of that thing, that hath been so often insisted upon by you, to wit, the Title of King, as in it self so necessary, as it seems to be apprehended by your selves ; and I do with all honour and respect to the Iudgement of the Parliament, testifie that (cæteris paribus) no private judgement is to lie in the ballance with the judgement of a Parliament ; but in things that respect particular persons: every man that is to give an account to God of his actions, he must in some measure be able to prove his own work, that to have an approbation in his own conscience of that he is to do, or forbear, and whilst you are granting others liberties, surely you will not deny me this, it being not onely a liberty, but a duty ( and such a duty as I cannot without sinning forbear ) to examine my own heart, and thoughts, and judgement, in every work which I am to set mine hand too, or to appear in or for.

I must confesse therefore, that though I do acknowledge all the other yet I must be a little confident in this, that what with the circumstances that accompany humane actions, whether they be circumstances of time, or persons, whether circumstances that relate to the whole, or private or particular circumstances, that compasse any person that is to render an account of his own actions ; I have truely thought, and do still think, that if I should ( at the best ) do any thing on this account to answer your expectation, it would be at the best do abtinely : and certainly what is so is not of faith, whatsoever is not of faith is sinne to him that doth it, whether it be with relation to the substance of the action, about which the consideration is conversant, or whether to circumstances about it, which make all think indifferent actions good or evil to him that doth it. I lying under this consideration, think it my duty, onely I could have wished I had done it sooner, for the sake of the House, who have laid so infinite obligations on it, I wish I had done it sooner for your sake, for saving time and trouble ; and indeed for the Committees sake, to whom I must acknowledge publickly I have been unseasonably troublesome, I say, I could have wished I had given it sooner, but truely this is my answer, that although I think the government doth consist of very excellent parts in all, but in that one thing the Title as to me, I should not be an honest man, if I should not tell you, that I cannot accept of the government, nor undertake the trouble or charge of it, which I have a little more experimented then every man ; what troubles, and difficulties do befall men under such trusts, and in such undertakings, I say, I am perswaded to return this answer to you, That I cannot undertake this Government with the Title of a King, and that is mine answer to this great and weighty businesse.

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